



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. 510 Rancho Rd. LLC Conditional Use Permit ED19-236 (DRC2019-00084)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services
<input type="checkbox"/> Agriculture & Forestry Resources	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Hydrology & Water Quality	<input checked="" type="checkbox"/> Transportation
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Land Use & Planning	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities & Service Systems
<input checked="" type="checkbox"/> Energy	<input type="checkbox"/> Noise	<input type="checkbox"/> Wildfire
<input type="checkbox"/> Geology & Soils	<input type="checkbox"/> Population & Housing	<input checked="" type="checkbox"/> Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

David Moran		12/15/2019
Prepared by (Print)	Signature	Date
Steven McMasters, Principal Environmental Specialist		
Reviewed by (Print)	Signature	Date

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Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. Project

DESCRIPTION: Request by **510 Rancho Road LLC** for a Conditional Use Permit (DRC 2019-00084) for the phased development cannabis. Phase I will include 2.99 acres of outdoor cannabis cultivation and 7,520 square feet of commercial nursery. Phase II will consist of the construction of a 45,000 sq.ft. greenhouse for the establishment of 22,000 sq.ft. of indoor cultivation and 14,000 square feet of indoor nursery for ancillary and commercial use. Phase II will also include the construction of a 10,000 sq.ft. building to be used for drying and processing as well as the placement of two storage containers for the storage of pesticides and fertilizers. The project will result in site disturbance of approximately 1.5 acres on a 219.43 acre parcel. The project is within the Agriculture land use category located at 510 Rancho Road, about 1 mile southeast of the community of Nipomo. The site is within the South County Inland Sub-area of the South County Planning Area.

The project will include the construction of one greenhouse building of 45,000 sq.ft. and one metal building of 10,000 sq.ft. to be used for cannabis processing. The different components of the project are summarized in Table 1.

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Table 1 – Project Summary

Use	Structure Type	No. of Structures	Total Square Feet	Total Cannabis Canopy
Phase I				
Outdoor Cultivation	Hoop Houses ¹	68	163,200 sq.ft.	130,560 sq.ft./ 2.99 acres
Outdoor Nursery (commercial)		2	6,480 sq.ft.	4,320 sq.ft.
Outdoor Nursery (commercial)		2	4,800 sq.ft.	3,200 sq.ft.
Phase II				
Indoor Cultivation	New Greenhouse ²	1	27,500 sq.ft.	22,000 sq.ft.
Indoor Nursery (ancillary and commercial combined)			17,500 sq.ft.	14,000 sq.ft.
Pesticide Storage	Storage Containers ³	1	320 sq.ft.	n/a
Nutrition/Fertilizers		1	320 sq.ft.	n/a
Drying/Processing	New Metal Building	1	10,000 sq.ft.	n/a

Notes:

1. Existing.
2. Construction of one building totaling 45,000 sq.ft.
3. New storage containers to be placed as shown on the site plan.

Summary of Proposed Cannabis Canopy

Total Outdoor Cultivation:	2.99 acres
Total Commercial Nursery:	0.17 acres
Total Indoor Cultivation:	0.50 acres
Total Ancillary Nursery:	0.32 acres

The project will also include construction of six, 10,000 gallon water storage tanks and one 1,000 gallon diesel storage tank. An all-weather 20-foot wide access drive will be extended into the project site from S. Dana Foothill Road and will terminate in a parking area for 16 spaces. The estimated amount of grading will include approximately 50 cy cut/fill, to be balanced on site.

Baseline Conditions. Existing structures on the project site include an older single-family residence; a 5,000 square foot barn (which will not be used for cannabis activities); accessory structures that include a carport and shed; a 5,000 gallon diesel storage tank to be replaced; and an existing 10,000 gallon water storage tank. Vegetation includes ornamental landscaping, three groves of irrigated citrus orchards, and a small area with wine grapes.

Outdoor cannabis cultivation has been conducted on the project site since 2016 under the provisions of Urgency Ordinance 3334. Under this previous ordinance, the cultivator (Helios Dayspring) has been allowed to grow a maximum of 700 plants with a canopy not to exceed 12,150 square feet. One metal storage container and four hoop structures are currently used for the existing cannabis cultivation and will be re-purposed and incorporated into this project as shown on the site plan. In the summer of 2018, the applicant installed 90 hoop structures on the project site; 70 will be retained and used for cannabis cultivation.

One existing well serves the residential, citrus cultivation, and registered cannabis cultivation. A 4-hour pump test completed in April 2018 determined a measured flow rate of 364 gallons per minute. Citrus

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cultivation covers approximately 11 acres of the site. With a water demand factor of 2.3 acre feet per year (AFY), the existing citrus growing operation uses an estimated 25.3 AFY. Nursery and row crops (vegetables) typically consume about 2.5 AFY and 1.9 AFY, respectively. Therefore, crops grown in the 3.5 acre area where outdoor cannabis cultivation is proposed consumes between 5.7 AFY and 7.5 AFY of water.

The current cannabis activities employ 2 full time workers; the existing residence plus cannabis activities generate 12 -14 average daily motor vehicle trips.

Ordinance Modification. The project includes a request for a modification from the parking standards set forth in LUO Section 22.18.050. The type of use that is most similar to the proposed cannabis cultivation is "*Nursery Specialties*" with a parking requirement of one parking space per 500 sf of floor area. Cannabis processing (drying) is assumed to generate a parking demand comparable to "*Ag Processing*" which requires one parking space per 1,000 square feet of use area. By applying these standards, the project requires a total of 101 parking spaces as summarized in Table 2.

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Table 2 -- Required Parking by Use

Use	Parking Standard (required parking space/square feet of area)	Floor Area	Required Number of Spaces
Indoor Cultivation	1:500	33,750 sq. ft.	68
Indoor Nursery		11,250 sq. ft.	23
Drying	1:1,000	10,000 sq. ft.	10
Total:		55,000 sq. ft.	101

ASSESSOR PARCEL NUMBER(S): 090-241-003

Latitude: 35°2'25.49" N **Longitude:** 120°27'12.931" W **SUPERVISORIAL DISTRICT #** 4

B. Existing Setting

Plan Area: South County **Sub:** Inland **Comm:** Rural

Land Use Category: Agriculture

Combining Designation: Renewable Energy

Parcel Size: 219.43 acres

Topography: Nearly level to gently rolling

Vegetation: Grasses Ornamental landscaping Agriculture

Existing Uses: Single-family residence(s) accessory structures hoop structures

Surrounding Land Use Categories and Uses:

North: Agriculture; agricultural uses **East:** Agriculture; agricultural uses

South: Agriculture; agricultural uses **West:** Agriculture; agricultural uses

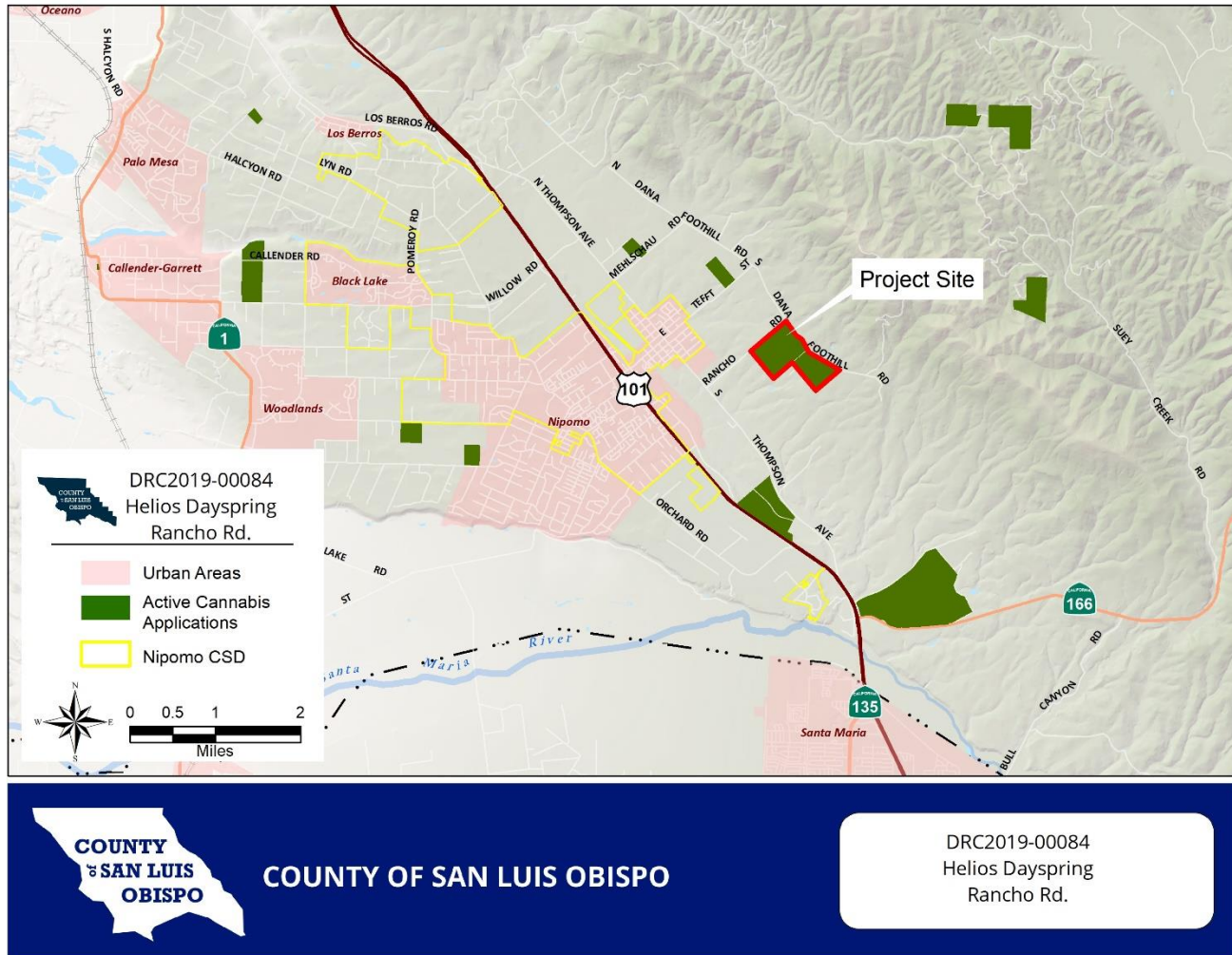
Other Approvals That May Be Required to Implement the Project

Permit Type/Action	Agency
Cannabis cultivation license	California Department of Food and Agriculture (CDFA), CalCannabis Cultivation Licensing Division
Cannabis manufacturing license	California Department of Public Health (CDPH), Manufactured Cannabis Safety Branch
Lake and Streambed Alteration (LSA) Agreement or written verification that one is not needed	California Department of Fish and Wildlife (CDFW), Cannabis Program
Small Irrigation Use Registration and coverage under the Cannabis Cultivation General Order	California State Water Resources Control Board (SWRCB)

A more complete discussion of other agency approvals and licensing requirements is provided in Appendix A of this Initial Study.

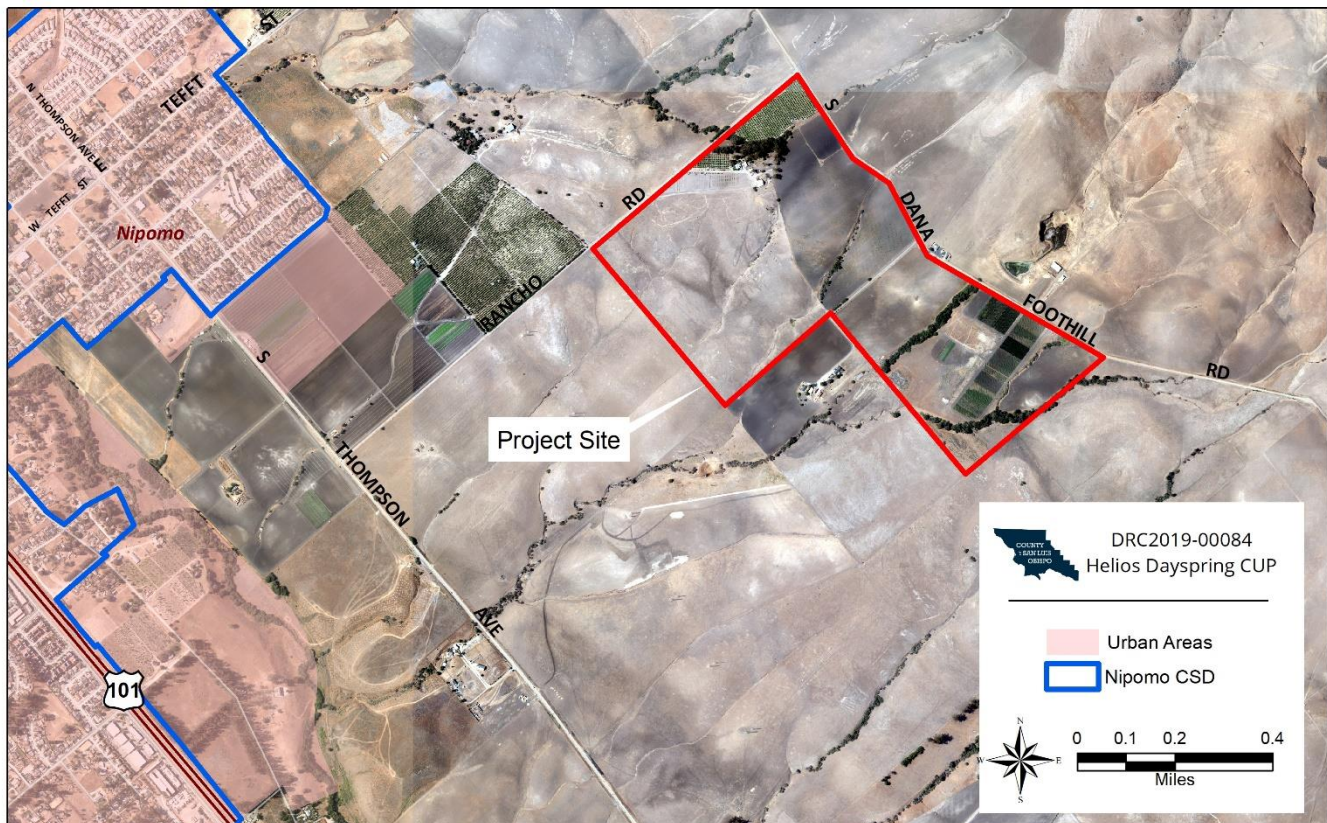
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Figure 1: Project Location



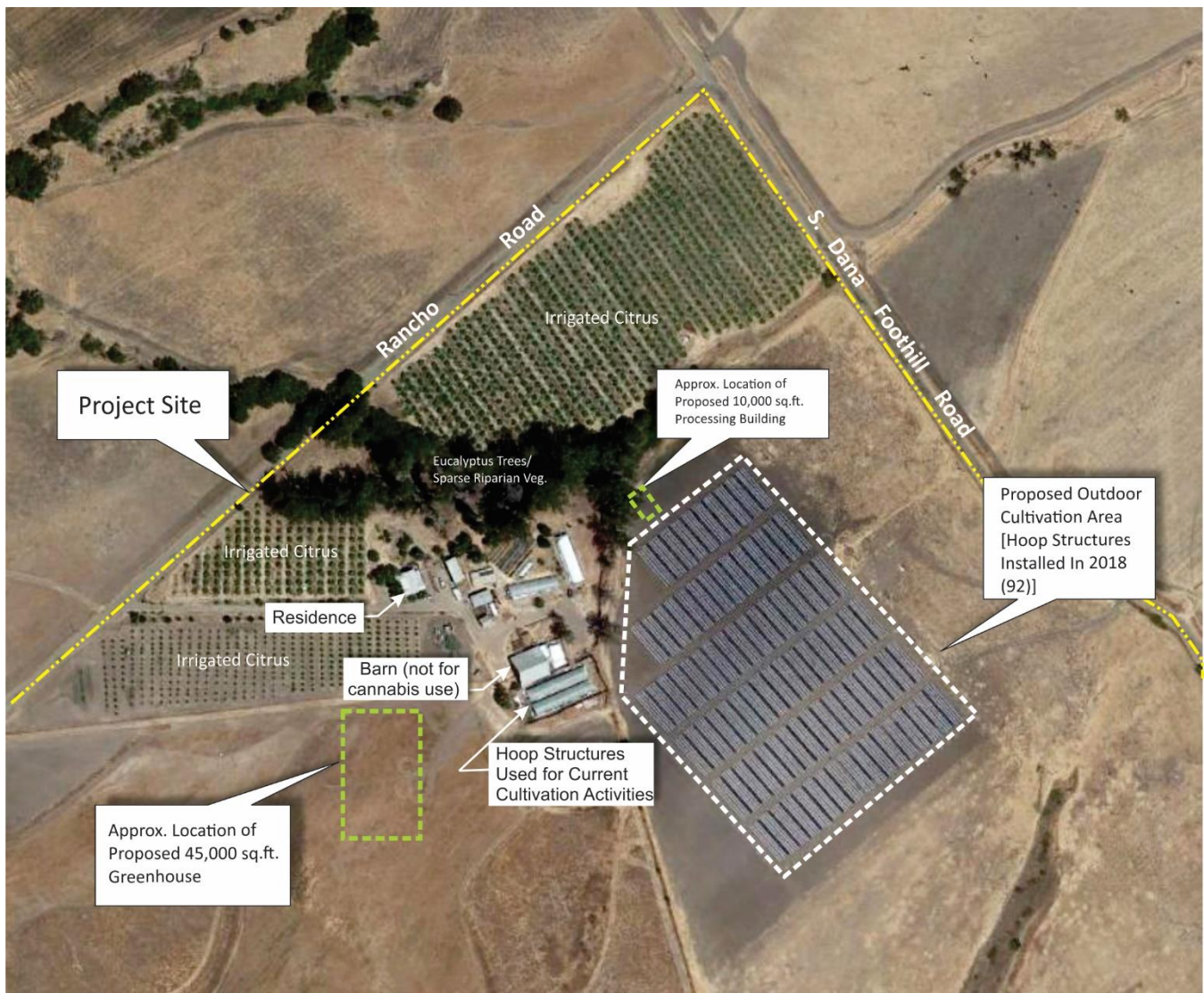
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Figure 2: Project Vicinity



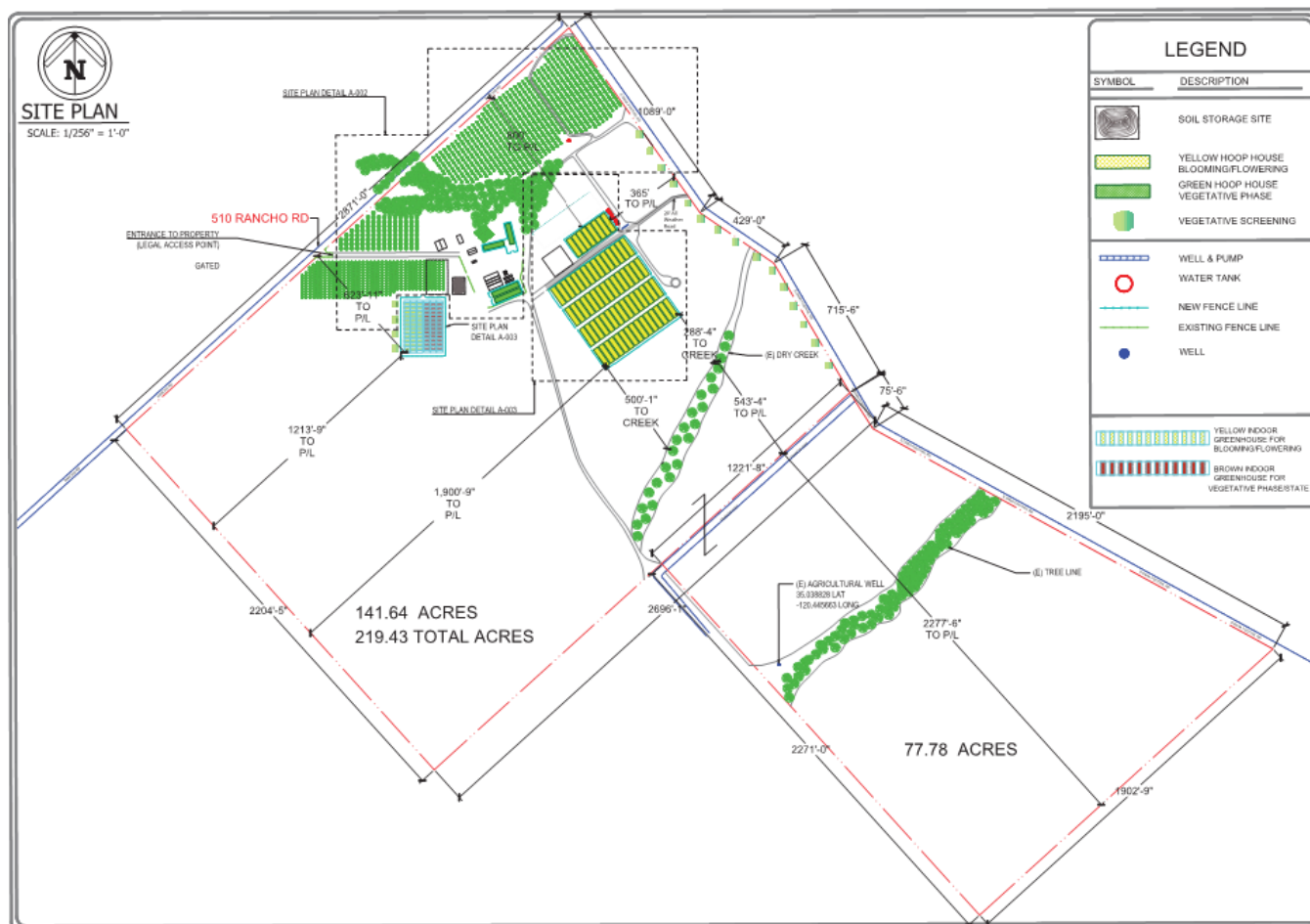
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Figure 3 – Existing Conditions



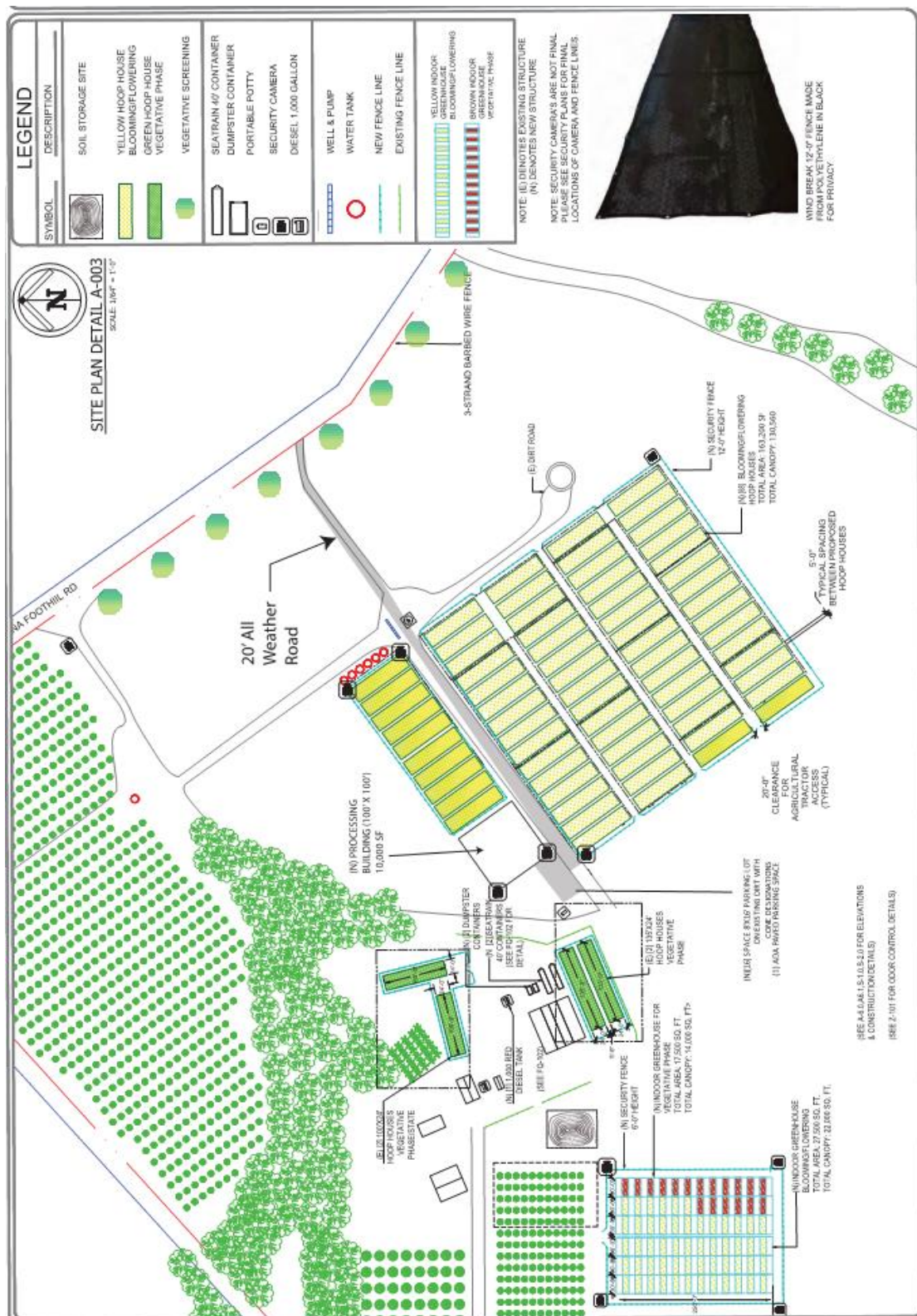
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Figure 4 – Site Plan



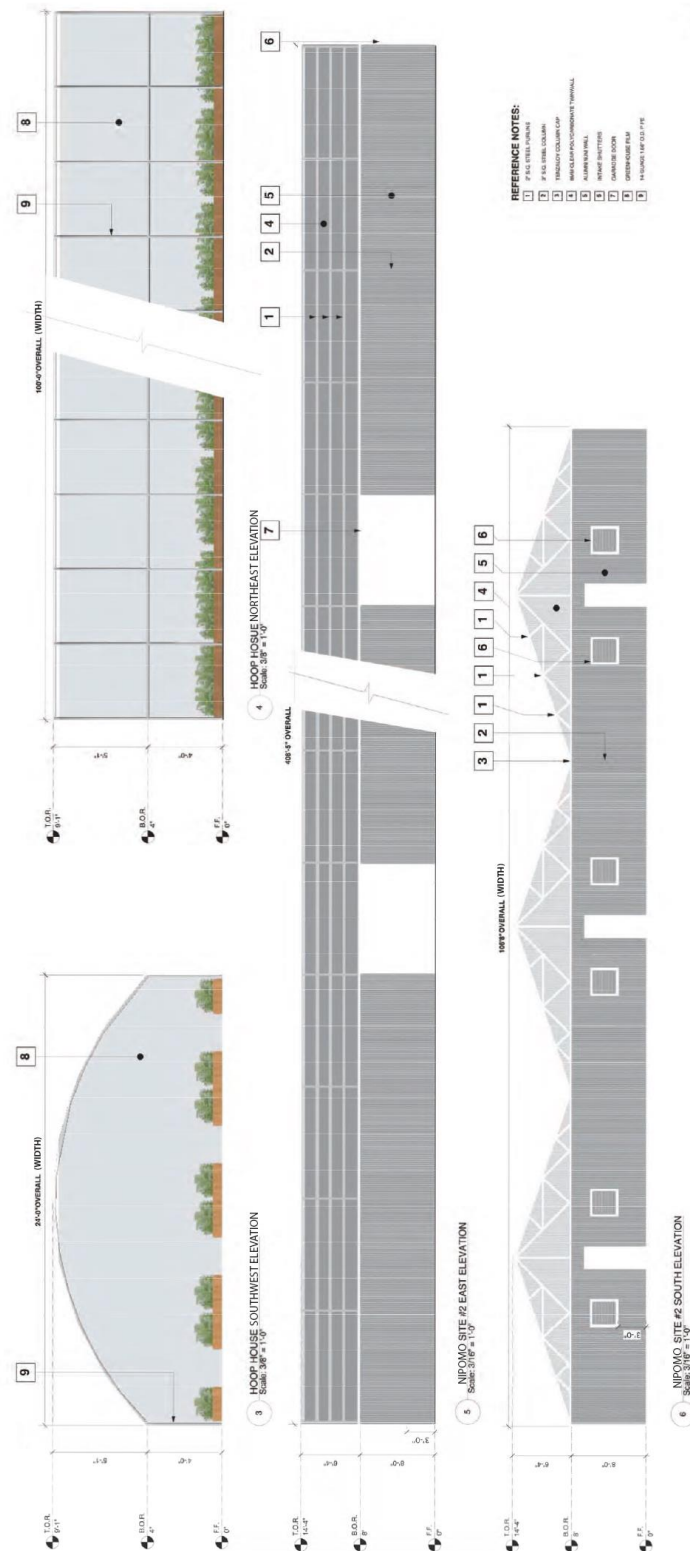
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Figure 5 – Site Plan Closeup



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Figure 6 – Greenhouse Building Elevations



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C. Environmental Analysis

The Initial Study Checklist provides detailed information about the environmental impacts of the proposed project and mitigation measures to lessen the impacts.

Initial Study – Environmental Checklist

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
(a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

The project site is located southeast of the community of Nipomo where the floor of the Nipomo Valley transitions to the foothills of the Temetatte Ridge. The dominant land use in the area is agriculture on parcels ranging in size from 34 acres to over 600 acres. Topography of the project site slopes gently upward to the east; the proposed cannabis activities will be concentrated on a relatively level portion of the project site near the intersection of Rancho Road and S. Dana Foothill Road. The combining patterns of gently rolling topography and agriculture against the backdrop of the Temetatte Ridge create a landscape with a moderate degree of visual interest and memorability.

The project site is located in a rural area of the County with large parcels and few residences. Traffic counts taken on Rancho Road in 2016 revealed an afternoon peak hour volume of 29 vehicles; counts taken on S. Dana Foothill Road in 2014 showed an afternoon peak hour volume of 12 vehicles. Neither roadway is an Officially Designated Scenic Highway and neither is listed as a "Suggested Scenic Corridor" on Table VR-2 of the Conservation and Open Space Element. Development along these roadways is not subject to the County's Scenic Protection Standards.

As discussed in the project description, the baseline visual components include an existing residence, a barn, accessory structures and hoop structures as well as citrus orchards and row crops. The residence is single story and is largely screened from view from either Rancho Road or S. Dana Foothill Road. The barn is

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a two-story wood structure with a double-pitched roof typical of the vernacular repeated throughout the county. The barn is visible from the adjoining roadways. The project site is crossed by a series of four ephemeral drainages that support fragmented riparian vegetation. There are no other prominent visual features associated with the project site.

There is very little artificial light pollution in the area.

Discussion

The project will involve total site disturbance of about 1.5 acres and will include the construction of a new 45,000 sq. ft. metal greenhouse building to be used for an indoor nursery and cultivation, a new 10,000 sq.ft. metal storage building for cannabis processing, and the construction of six, 10,000 gallon water storage tanks. A new diesel storage tank will be placed on a trailer and located south of the existing residence. The cylindrical fuel tank will be about 10 feet tall and six feet long. The two new buildings will be placed on a concrete slabs and will be of modular, steel-frame construction with aluminum walls. Building elevations provided with the application (Figure 6) show the greenhouse building will be composed of three bays with a pitched roof over each bay; both new buildings will be 14 feet 4 inches tall at the peak of the roof. The Seatrain storage containers will be of metal construction and 40 feet long by 8 feet wide and 8 feet tall. An opaque fence will be installed around all areas proposed for cannabis operations.

Will the project:

- (a) *Have a substantial adverse effect on a scenic vista?*
- (b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*
- (c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

In assessing project impacts on visual resources, the following factors were considered:

- *The potential for, and frequency of, viewing by the general public.*

The aesthetic effects of a project are more likely to be significant if they are highly visible to large numbers of the public over an extended period of time. Changes to views that are seen by a limited number of people, or for only limited duration, may be found to be less than significant.

As discussed in the setting, the roadways serving the project site carry very low traffic volumes. South Dana Foothill Road dead-ends about 1/8 mile south of the intersection with Rancho Road and is unpaved to the north. Traffic speeds in the vicinity of the project site vary but are generally 30 - 40 miles per hour which means that travelers on either Rancho Road or S. Dana Foothill would pass by the project site in a few seconds. Motorists travelling north on Rancho Road will have relatively unobstructed views of the project site and the location of the proposed greenhouse building (Figure 7). Views of the site from S. Dana Foothill Road are unobstructed and the existing hoop houses are readily visible (Figure 8). Thus, although components of the project will be readily visible from public vantage points, the potential and frequency to view the site are low because of the speed of passing traffic and the very low traffic volumes.

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The project site is also visible from surrounding properties. However, the nearest off-site residences are 1,200 – 2,700 feet from the proposed cannabis operations.

Figure 7 – View of the Project Site Looking East on Rancho Road

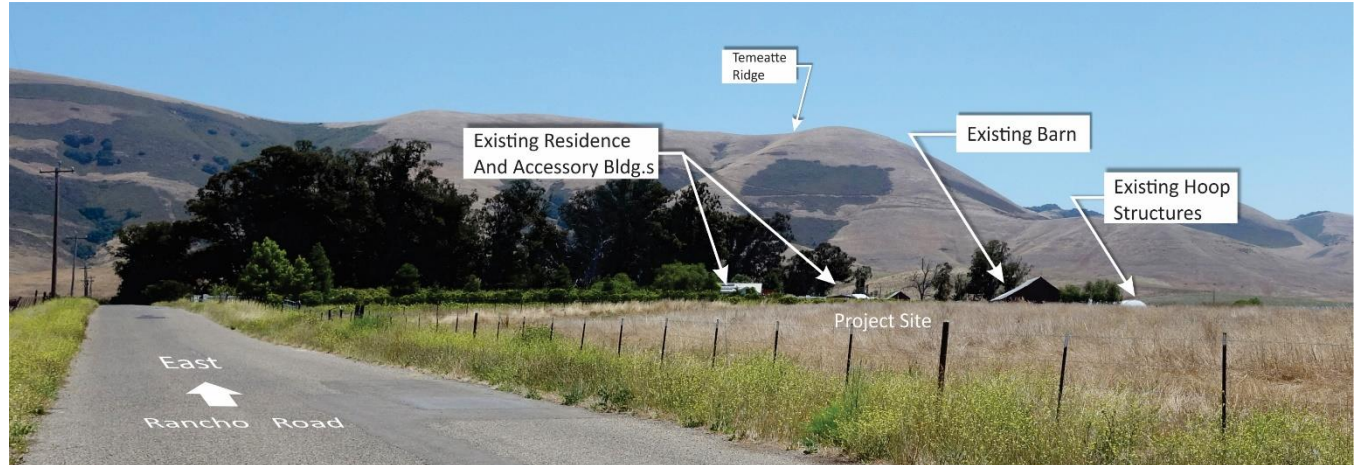


Figure 8 -- View of the Project Site Looking North from S. Dana Foothill Road



- *The integrity and uniqueness of the existing scenic resource.*

The magnitude of change necessary to create a significant impact to visual resources is greater in a disturbed or non-unique environment than in a pristine or rare environment.

The project site is located about two miles east of the Nipomo urban reserve in an area dominated by agricultural operations. Accordingly, the visual character of the vicinity is dominated by intensive agricultural operations with irrigated row crops. The project site is developed with a residence and over 90 hoop structures which are typical of agricultural operations in the Nipomo Valley. Thus, the visual qualities of the project site are not unique within the eastern Nipomo Valley area. The scale and character of the proposed new construction (45,000 sq.ft. greenhouse and 10,000 sq.ft. metal building) will not significantly detract from the integrity or uniqueness of the larger landscape.

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- *The magnitude of the change.*

A project that is small in size, or will result in minimal physical changes to the environment, is less likely to cause a significant impact to scenic qualities. Aesthetic changes associated with an individual project may appear significant, but in the context of the entire region may be relatively minor. Changes to visual character of the landscape where the change is minor may be found to be less than significant.

As discussed above, the project site is developed with a residence, a barn, accessory structures and hoop structures that will all remain. The proposed 45,000 sq.ft. greenhouse will be located in a relatively level area just south of an existing citrus orchard. The building will be about 107 feet wide, about 409 feet deep and 14.5 feet tall and will be constructed with the long axis oriented north-south. The proposed 10,000 sq.ft. processing building will be surrounded by existing hoop structures to the east, south and west and will be screened from view from Rancho Road by existing vegetation.

Large metal greenhouses are fairly common in the Nipomo Valley, but are relatively rare on the east side of Highway 101 in the vicinity of the project site. However, the magnitude of change is considered less than significant within the context of the larger visual landscape because:

- Although the building will be briefly visible from Rancho Road, it will be largely screened from view from S. Dana Foothill Road by existing vegetation and existing structures;
- The building will be divided into three adjoining bays with a pitched roof over each; the repeating roof line will help reduce the apparent mass of the structure when viewed from the south.
- The new buildings will be located in proximity to existing structures on the project site, leaving the remaining areas of the site in cultivation. Accordingly, the proposed greenhouse and other development associated with cannabis activities will largely complement the setting consistent with the visual character of the surrounding agricultural lands.

The preceding discussion indicates that the project will have a *less than significant impact* on scenic vistas, scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, and will not substantially degrade the existing visual character or quality of public views of the site and its surroundings.

- (d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Due to the rural nature of the area, artificial lighting that escapes the facilities could have the potential to impact offsite residents. The greenhouse, metal building and hoop structures will be equipped with outdoor security lighting, activated by motion sensor. The lighting would be placed at eave or roof ridgeline height (approximately 10–12 feet above grade) with down-focused flood beams. As discussed under item a) above, the nearest off site residence is over 1,200 feet away and the remainder on surrounding properties are over 2,500 feet distant. Given the sparsity of development and the distance to the Nipomo urban area, the project site and vicinity experiences relatively little non-natural lighting which contributes to the rural character of the area. Therefore, the potential for new light and glare to adversely impact surrounding properties is considered significant unless mitigated.

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Conclusion

The project is not expected to adversely impact aesthetic resources because:

- Although components of the proposed cannabis activities will be visible from public vantage points, the number of potential viewers will be very low due to the small number of vehicles using Rancho Road and S. Dana Foothill Road.
- The greenhouse and processing building will be largely screened from view from S. Dana Foothill Road by existing vegetation and existing structures. The greenhouse building will be divided into three adjoining bays with a pitched roof over each; the repeating roof line will help reduce the apparent mass of the structure when viewed from the south.
- The greenhouse and processing building will be located in proximity to existing structures on the project site, leaving the remaining areas of the site in cultivation. Accordingly, the proposed new buildings and other development associated with cannabis activities will largely complement the setting consistent with the visual character of the surrounding agricultural lands.
- The project will not require extensive grading or significant cut and fill on steep slopes.
- The General Plan does not designate any scenic resources in this area.
- Cannabis activities will occur within buildings and within hoop structures that will prevent cannabis plants from being readily visible from offsite as required by LUO Section 22.40.050 D.6.
- Mitigation is recommended to ensure that the design of lighting fixtures that prevents light from shining off-site. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (c) states: All outdoor lighting used for security purposes shall be shielded and downward facing. Section 8304 (g) states: mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare. Compliance with the recommended mitigation measure as well as Section 8304 (c) and (g) will reduce potential impacts to less than significant.

Mitigation

AES-1

Nighttime lighting. Prior to issuance of construction permits, the applicant shall submit a light pollution prevention plan (LPPP) to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

- a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
- b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;
- c. Any exterior path lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. Exterior path lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and
- d. Any exterior lighting used for security purposes shall be motion activated, be located and designed to be motion activated, and be directed downward and to the interior

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of the site to avoid the light source from being visible off-site, and shall be of the lowest-lumen necessary to address security issues.

Sources

See Exhibit A.

II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i></p>				
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Setting

The project site is located within the Agriculture land use category and is currently used for the cultivation of irrigated row crops and citrus. There are currently 90 hoop structures on the project site; 70 will be incorporated into the proposed cannabis activities and the remainder will be used for crop production. The project site is located within the Nipomo Valley Agricultural Preserve and is not subject to an active Land Conservation Act (LCA) contract.

Based on the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (NRCS 2019) and the Soil Survey of San Luis Obispo County, California – Coastal Area (USDA 1983), soil type(s) and characteristics on project site include the following:

Zaca Clay 9%-15% Slope – 162.36 acres

The Zaca component makes up 85 percent of the map unit. Slopes are 9 to 15 percent. This component is on hills. The parent material consists of residuum weathered from calcareous mudstone, sandstone and/or shale. The natural drainage class is well drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

Zaca Clay 15%-30% Slope -- 46.29 acres

The Zaca component makes up 85 percent of the map unit. Slopes are 15 to 30 percent. This component is on hills. The parent material consists of residuum weathered from calcareous mudstone, sandstone and/or shale. The natural drainage class is well drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

Diablo and Cibo Clays, 9%-15% slopes – 9.16 acres

The Diablo component is on hills. The parent material consists of residuum weathered from mudstone, sandstone and/or shale. Depth to a root restrictive layer, bedrock, paralithic, is 45 to 58 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches.

The Cibo component is on hills. The parent material consists of residuum weathered from metasedimentary rock. Depth to a root restrictive layer, bedrock, lithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

Santa Lucia Very Shaly Clay Loam 9%-15% Slope – 0.91 acres

This component is on hills. The parent material consists of residuum weathered from acid shale. Depth to a root restrictive layer, bedrock, lithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60

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inches (or restricted depth) is low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches.

Santa Lucia Very Shaly Clay Loam 5%-9% Slope -- 0.71 acres

This component is on hills. The parent material consists of residuum weathered from acid shale. Depth to a root restrictive layer, bedrock, lithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

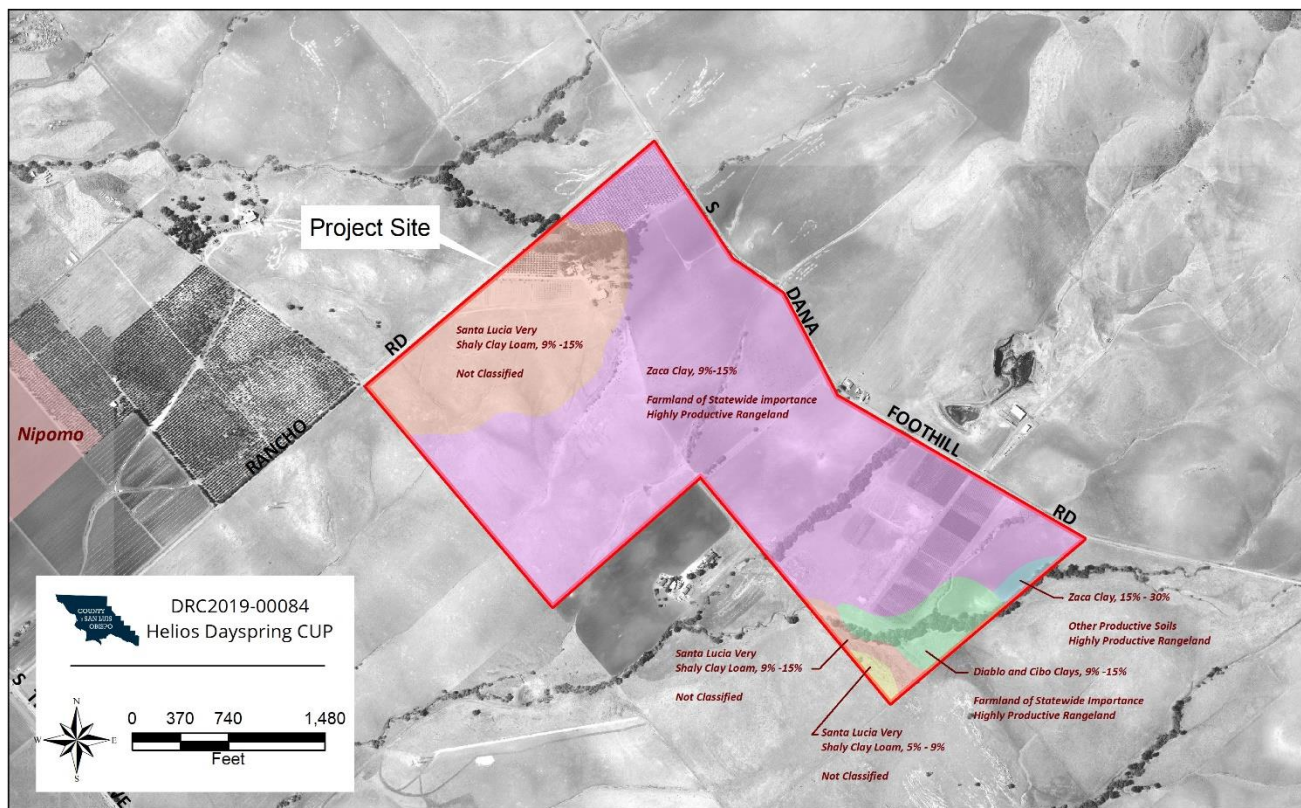
Table 3 -- Soils of the Project Site

Soil Name	Acres	Classification	Erodibility
Zaca Clay, 9%-15% Slope	162.36	Farmland of Statewide Importance, Highly Productive Rangeland	Low
Zaca Clay 15%-30% Slope	46.29	Other Productive Soils, Highly Productive Rangeland	Low
Diablo and Cibo Clays 9%-15% slope	9.16	Farmland of Statewide Importance, Highly Productive Rangeland	Moderate
Santa Lucia Very Shaly Clay Loam 9%-15% Slope	0.91	Not Classified	Low
Santa Lucia Very Shaly Clay Loam 5%-9% Slope	0.71	Not Classified	Low
Total:	219.43		

Source: Conservation and Open Space Element, Table SL-2

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Figure 9 – Soils and Important Farmland Classifications of the Project Site



Discussion

- (a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The project will involve total site disturbance of about 1.5 acres and will include the construction of a new 45,000 sq. ft. metal greenhouse building, the construction of a 10,000 sq.ft. metal processing building, and the construction of six water storage tanks. The new greenhouse and processing buildings will be placed on concrete slabs; the storage containers will be placed on the ground. The areas of disturbance are located at the north end of the project site near the existing residence and hoop structures. As discussed in the project description, a total of 90 hoop structures have been placed on the project site. A total of 70 hoop structures will be used for cannabis activities and the remainder will be used for crop production.

Table 4 provides a summary of the areas of disturbance by soil type and farmland classification. As shown in Table 4, the project will result in the conversion of 0.37 acres of *Farmland of Statewide Importance* and 1.03 acres of unclassified agricultural soils to non-agricultural uses (water storage tanks and cannabis processing). Although the storage containers will be placed directly on the soil, these areas will be unavailable for agricultural crop production so long as they are used for cannabis activities.

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Table 4 -- Project Impacts to Important Farmland

Soil Name	Acres Converted to A Non-Agricultural Use	Classification
Zaca Clay, 9%-15% Slope	0.37	Farmland of Statewide Importance, Highly Productive Rangeland
Zaca Clay 15%-30% Slope	0.00	Other Productive Soils, Highly Productive Rangeland
Diablo and Cibo Clays 9%-15% slope	0.00	Farmland of Statewide Importance, Highly Productive Rangeland
Santa Lucia Very Shaly Clay Loam 9%-15% Slope	1.03	Not Classified
Santa Lucia Very Shaly Clay Loam 5%-9% Slope	0.00	Not Classified
Total:	1.40	

Source: Conservation and Open Space Element, Table SL-2

Table 5 provides a summary of the changes in the acreage of important farmland in San Luis Obispo County from 2006 to 2016 (the most recent year for which data are available) as determined by the California Department of Conservation, Farmland Mapping and Monitoring Program. As shown in Table 9, over the ten-year period between 2006 and 2016 the County experienced a net increase in the acreage of important farmland of about 126,781 acres, including a net increase of 1,466 acres of prime farmland.

Table 5 – Acreage of Important Farmland in San Luis Obispo County, 2006 – 2016

Land Use Category	2006	2008	2010	2012	2014	2016	Net Change
Prime Farmland	39,722	41,569	41,319	40,860	40,990	41,188	+1,466
Farmland of Statewide Importance	19,721	21,109	21,132	20,884	21,908	22,697	+2,976
Unique Farmland	36,411	38,777	39,950	39,979	43,225	45,175	+8,764
Farmland of Local Importance	174,552	309,081	307,325	304,401	289,309	288,127	+113,575
IMPORTANT FARMLAND SUBTOTAL	270,406	410,536	409,726	406,124	395,432	397,187	+126,781
Grazing Land	742,004	1,183,042	1,181,015	1,183,035	1,189,777	1,189,168	+447,164
AGRICULTURAL LAND TOTAL	1,012,410	1,593,578	1,590,741	1,589,159	1,585,209	1,586,355	+573,945

Project impacts to Prime Farmland are considered less than significant because:

- The storage containers will impact about 0.37 acres and would be constructed without a slab foundation, thereby preserving the underlying soils for a future agricultural use if the cannabis activities were to be removed.
- As shown in Table 5., the total acreage of important farmland impacted by the project (about 0.37 acres) is less than 0.002 percent of the prime farmland in the county.
- The new greenhouse and processing building will be located primarily on the least productive farmland on the project site.
- Crop production on the remainder of the site will be unaffected by cannabis activities.

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- The project is consistent with the following policies of the Agriculture Element with regard to the protection and preservation of productive agricultural land:

AGP8: Intensive Agricultural Facilities.

- Allow the development of compatible intensive agricultural facilities that support local agricultural production, processing, packing, and support industries.*
- Locate intensive agricultural facilities off of productive agricultural lands unless there are no other feasible locations. Locate new structures where land use compatibility, circulation, and infrastructure capacity exist or can be developed compatible with agricultural uses.*

AGP18: Location of Improvements.

- Locate new buildings, access roads, and structures so as to protect agricultural land.*

Discussion: Cannabis cultivation is not considered agricultural crop production. However, the proposed 45,000 sq.ft. greenhouse, processing building and four of the storage containers will be located on the least productive agricultural soils. Agricultural operations on the remainder of the project site will continue and will be unaffected by cannabis activities.

AGP14: Agricultural Preserve Program.

- Encourage eligible property owners to participate in the county's agricultural preserve program.*

Discussion: The project site is subject to an active LCA contract. The project was referred to the County Agricultural Preserve Review Committee (discussed below) who found that the proposed cannabis activities do not conflict with the terms and conditions of the LCA contract.

AGP24: Conversion of Agricultural Land.

- Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:*

- Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Advisory Liaison Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe.*

Discussion: The project site is located about one mile outside the urban reserve and urban fringe of the community of Nipomo.

- Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.*
- Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines.*

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4. *Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.*

Discussion: The project is consistent with the allowable land uses in the Agriculture land use category and does not propose a change in the land use designation.

- (b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Cannabis activities are a conditionally allowable use within the Agriculture land use category. Therefore, the project will not conflict with existing zoning for agricultural use.

The project site is subject to an active Williamson Act contract. The project was referred to the County Agricultural Preserve Review Committee in March, 2019 who found that the proposed cannabis activities are compatible with the ongoing agricultural activities and do not conflict with the terms and conditions of the LCA contract.

Lastly, agricultural activities on the remainder of the project site would be unaffected by the proposed cannabis activities.

- (c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

- (d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

The project site does not consist of forest land as defined by the Public Resources Code.

- (e) *Involve other changes in the existing environment which, due to their location or nature, could result in the conversion of farmland to a non-agricultural use or the conversion of forest land to a non-forest use?*

The preceding discussion indicates that the proposed cannabis activities will complement existing ongoing agricultural operations on the project site and in the vicinity.

Conclusion

No significant impacts to agricultural resources would occur.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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III. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</i>				
(a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (APCD). The APCD is in non-attainment for the 24-hour state standard for particulate matter (PM₁₀) and the eight-hour state standard for ozone (O₃) (SLOAPCD 2015). The APCD adopted the 2001 Clean Air Plan in 2002, which sets forth strategies for achieving and maintaining Federal and State air pollution standards. The APCD identifies significant impacts related to consistency with the 2001 Clean Air Plan by determining whether a project would exceed the population projections used in the Clean Air Plan for the same area, whether the vehicle trips and vehicle miles traveled generated by the project would exceed the rate of population growth for the same area, and whether applicable land use management strategies and transportation control measures from the Clean Air Plan have been included in the project to the maximum extent feasible. The CAP provides a complete description of the air basin and the environmental and regulatory setting and is incorporated by reference. The CAP may be reviewed in its entirety by following this link: <https://www.slocleanair.org/rules-regulations/clean-air-plan.php>

The APCD has developed and updated their CEQA Air Quality Handbook (2012) to evaluate project-specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, the SLOAPCD prepared and adopted a Clean Air Plan.

Thresholds of Significance for Construction Activities. The APCD's CEQA Handbook establishes thresholds of significance for construction activities (Table 5). According to the Handbook, a project with grading in excess of 4.0 acres and/or a project that will move 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM₁₀). In addition, a project with the potential to generate 137 lbs per day of ozone precursors (ROG + NO_x) or diesel particulates in excess of 7 lbs per day can result in a significant impact.

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Table 6 – Thresholds of Significance for Construction

Pollutant	Threshold1		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG+NOx (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM10), Dust2		2.5 tons	
Greenhouse Gases (CO2, CH4, N2O, HFC, CFC, F6S)	Amortized and Combined with Operational Emissions		

Source: SLO County APCD CEQA Air Quality Handbook, page 2-2.

Notes:

1. Daily and quarterly emission thresholds are based on the California Health & Safety Code and the CARB Carl Moyer Guidelines.
2. Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5 ton PM10 quarterly threshold.

Thresholds of Significance for Operations. Table 1-1 of the APCD's CEQA Handbook provides screening criteria based on the size of different types of projects that would normally exceed the operational thresholds of significance for greenhouse gases and ozone precursors. The list of project categories in Table 1-1 is not comprehensive and does not include cannabis-related activities. However, operational impacts are focused primarily on the indirect emissions associated with motor vehicle trips associated with development. For example, a project consisting of 99 single family residences generating 970 average daily vehicle trips would be expected to exceed the 25 lbs/day operational threshold for ozone precursors. A project consisting of 54 single family residences generating 529 average daily motor vehicle trips would be expected to exceed the threshold for greenhouse gas emissions.

The APCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 lbs/day threshold of significance for the emission of particulate matter (PM10). According to the APCD estimates, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM10 threshold.

The prevailing winds in the project vicinity are from the north and west (onshore) during the daylight hours and are slightly offshore at night. The nearest offsite residences are upwind to the west.

Discussion

(a) *Conflict with or obstruct implementation of the applicable air quality plan?*

The project site is located in the area governed by the South County Area Plan and is an allowable use in the Agricultural land use category. The project is consistent with the general level of development anticipated by the SLOAPCD's Clean Air Plan; therefore, impacts related to consistency with the SLOAPCD's Clean Air Plan would be *less than significant*.

(b) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

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Construction Related Emissions. Based on the project description, the project will be moving less than 1,200 cubic yards/day of material and will result in an area of disturbance of less than four acres. Therefore, construction related emissions will fall below the general thresholds triggering construction-related mitigation and are considered less than significant.

Operation-Related Emissions. According to the trip generation analysis prepared by the Department of Public Works, the project is expected to generate up to 12 average daily motor vehicle trips. As discussed above, a project that generates less than 99 average daily motor vehicle trips will likely generate emissions that fall below the threshold of significance for ozone precursors and greenhouse gas emissions.

LUO Section 22.40.050.D.4 states that Cannabis cultivation sites located on an unpaved road shall incorporate measures to mitigate the air pollution (i.e. dust) effects created by the use. Motor vehicle access to the project site is provided from Rancho Road which is a paved, county maintained roadway. Therefore, the provision of LUO 22.40.050.D.4 do not apply.

Overall, impacts related to exceedance of federal, state, or SLOAPCD ambient air quality standards due to operational activities would be less than significant and less than cumulatively considerable.

(c) *Expose sensitive receptors to substantial pollutant concentrations?*

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity to exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. The nearest offsite residence is about 1,200 feet to the south. Residences may be occupied by sensitive receptors who could be exposed to diesel particulates and fugitive dust from construction activities. However, construction of the greenhouse and water tanks is not expected to require the use of large diesel-powered construction equipment or grading that would exceed APCD construction thresholds. Therefore, potential impacts to sensitive receptors are considered less than significant.

According to the APCD CEQA Air Quality Handbook, Naturally Occurring Asbestos (NOA) has been identified as a toxic air contaminant by the California Air Resources Board (CARB). Under the CARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities a geologic evaluation should be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Based on the APCD on-line map of potential NOA occurrence, the project site may lie in the area where a geologic study for the presence of NOA is required. Therefore, the project will be conditioned to prepare a NOA analysis prior to issuance of construction permits.

(d) *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

The project includes indoor and outdoor cannabis cultivation as well as drying and processing of cannabis grown on-site. These activities can produce potentially objectionable odors during the flowering, harvest, drying, and processing phases and these odors could disperse through the air

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and be sensed by surrounding receptors. Accordingly, Section 22.40.050 of the LUO requires the following:

All cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite.

With regard to the affects of cannabis odors on air quality, there are no standards for odors under either the federal or State Clean Air Acts. Accordingly, there are no objective standards through which the adverse effects of odors may be assessed. Although odors do affect “air quality”, they are treated as a nuisance by the County and abated under the County’s nuisance abatement procedures.

The precise adverse health effects of cannabis odors, if any, is unknown. However, a study published in the Journal of American Medicine in 1986 (Am J Med. 1986 Jan;80(1):18-22) concluded that odors are an important cause of the worsening of certain respiratory illnesses such as asthma. A person’s expectations regarding the harmful effects of an odor may affect airway physiology in asthma sufferers (Journal of Psychosomatic Research Volume 77, Issue 4, October 2014, Pages 302-308). As discussed above, odors are not considered an air pollutant under federal or state laws air quality laws.

The Project incorporates the following features to address odors:

- The Operations Plan required by LUO Section 22.40.040.A.3. sets forth operating procedures to be followed to help ensure odors associated with cannabis related activities do not leave the project site.
- The project has been conditioned to operate in a manner that ensures odors associated with cannabis activities are contained on the project site.
- The project has been conditioned to participate in an ongoing cannabis monitoring program. Once implemented by the County, the project site will be inspected four times per year to ensure ongoing compliance with conditions of approval, including those relating to odor management.
- As required by LUO Section 22.40.050 D. 8., all structures for indoor cannabis cultivation are required to be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite. Accordingly, the facility will employ air scrubbing technology on the greenhouse. Carbon scrubbers, for example, have been demonstrated to be an effective odor abatement method for indoor cannabis facilities (County of Santa Barbara 2017) and work by pulling odors from the air into an exhaust system and absorbing any odors that pass through via activated/deactivated carbon (granular, pelletized, or powdered).

Based on the proximity of the nearest sensitive receptor and proposed ventilation methods, impacts from odors on nearby sensitive receptors would be less than significant.

Conclusion

When comparing the project’s potential constriction-related and operational emissions to APCD thresholds, potential impacts related to air quality are considered be less than significant. The project will be

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conditioned to prepare a study to determine the presence of Naturally Occurring Asbestos and to incorporate the study's recommendations.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Setting

The following discussion of biological resources and potential project impacts was derived from a Biological Resources Assessment (BRA) prepared for the project by Terra Verde Environmental Consulting on August 28, 2018 and a spring botanical survey conducted in June, 2019.

The majority of the project site consists of anthropogenic/disturbed areas including active agricultural fields and disturbed grasslands. The immediate surrounding area includes existing cannabis cultivation facilities, citrus orchards, and one residential home site. The regularly farmed agricultural field is partially covered with existing hoop house infrastructure with the remaining land open but supporting only limited vegetation cover due to ongoing agricultural operations. The disturbed grassland is moderately vegetated with non-native annual grasses and forbs. A review of historical aerial imagery from Google Earth (1994-2018) indicates that the agricultural field has been regularly farmed since at least 1994 while the disturbed grassland has been historically grazed with new land disturbance (tilling) visible since 2016.

The surrounding area consists primarily of undeveloped land (i.e., agriculture) with rural residential homes scattered throughout. Two unnamed ephemeral USGS blue line streams are present within the survey area, herein after referred to as Drainage 1 and Drainage 2. Drainage 1 borders the northern boundary of the survey area and Drainage 2 borders the southwestern boundary of the survey area. Both drainages originate in the eastern foothills of the Temettate Ridge, flowing southwest for approximately three miles before reaching Nipomo Creek and eventually the traditionally navigable waters of the Pacific Ocean. In addition, two ephemeral swales, here in after referred to as Swale 1 and Swale 2, are present west and southwest of the disturbed grassland and appear to eventually connect with Nipomo Creek.

Methodology

Following a literature review and desktop analysis, Terra Verde completed a field survey on August 6, 2018, which focused on the identification of sensitive habitats and special-status plant and wildlife species, as well as an assessment of potentially jurisdictional features. Where the survey included existing cultivations sites, the survey area was limited to existing pads and an approximate 50-foot buffer. Where the survey included the proposed new expansion areas, the survey area included the entire proposed disturbance footprint, an approximate 100-foot buffer on all sides where access was feasible, and a visual scan of the surrounding habitat features.

The survey was pedestrian in nature and lasted approximately two hours. During the survey, all detected plant and wildlife species and their sign were documented and photographs were taken at representative locations. Visibility was suitable to detect potentially occurring wildlife species during the survey. Botanical species identifications and taxonomic nomenclature followed The Jepson Manual: Vascular Plants of California, 2nd edition (Baldwin et al., 2012), as well as taxonomic updates provided in the Jepson eFlora (Jepson eFlora, 2018). In addition, vegetation communities and land cover types were characterized, and natural communities were classified using the second edition of A Manual of California Vegetation (MCV) classification system (Sawyer et al., 2009). The habitat requirements for each regionally-occurring, special-status species listed in Appendix C of the BRA were analyzed and compared to the type and quality of habitats observed during the field survey. The potential for many species to occur within the project site was eliminated due to lack of suitable habitat, elevation, appropriate soils/substrate, and/or known distribution of the species. Special-status species for which suitable habitat was identified on site are discussed in depth in the following section, and those determined to have no potential to occur based upon a lack of suitable habitat are not discussed any further in the BRA.

Habitats of the Project Site

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Overall, the survey area exhibited little variation in habitat types. In total, two soil units and three natural vegetation communities were documented within the survey area. The majority of the survey area consists of anthropogenic/disturbed areas immediately abutting natural vegetation communities.

Anthropogenic/disturbed land cover types and natural vegetation communities observed on site provide suitable to marginally suitable habitat for a variety of common and special-status plant and wildlife species.

Hydrologic Features

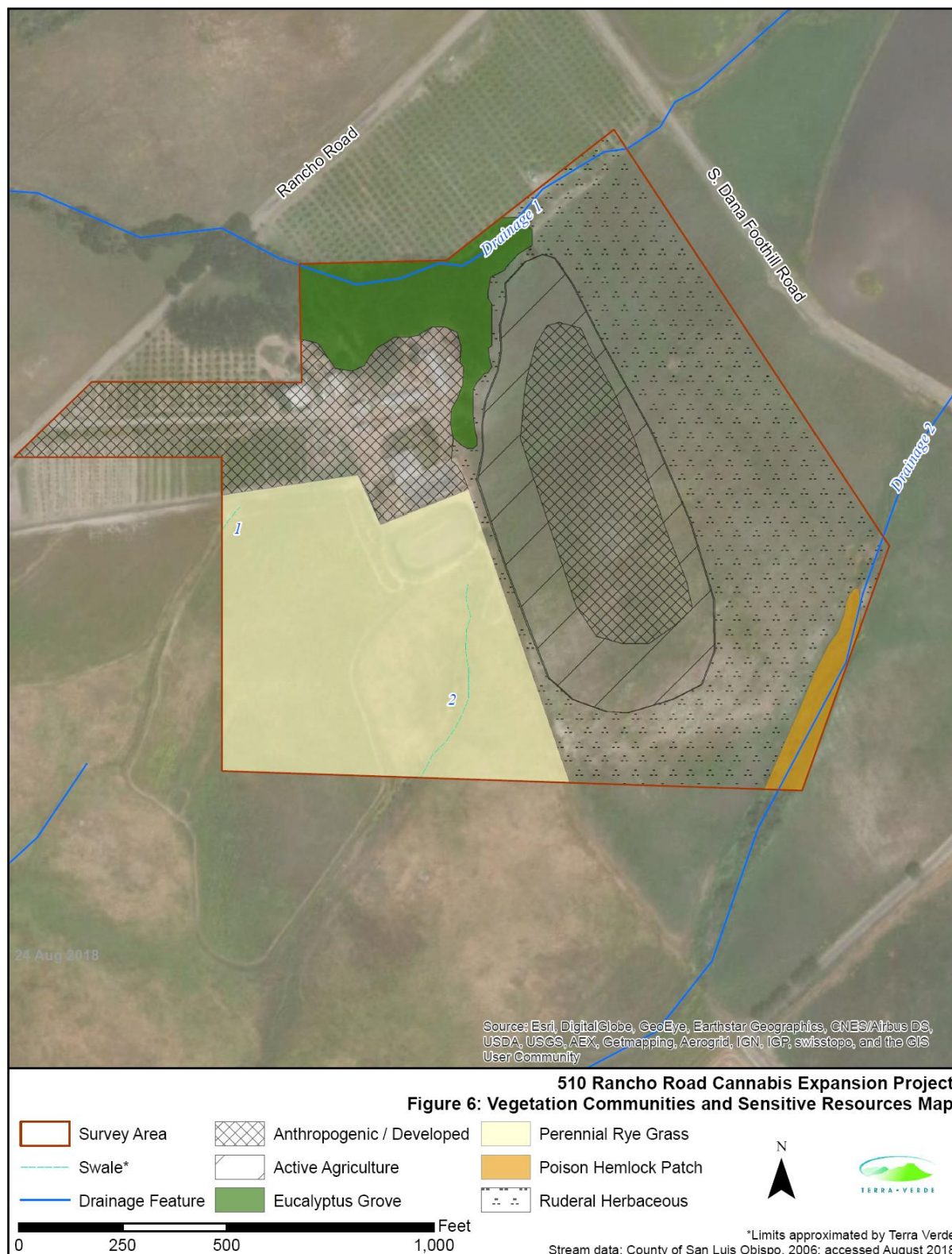
Drainages. As mentioned above, Drainages 1 and 2 and Swales 1 and 2 occur within the survey area.

Drainage 1 appears to originate east of the project site and flows southwest for approximately three miles before eventually converging with Nipomo Creek (see Appendix A – Figure 5: Hydrological Resources Map). The drainage was observed with a well-defined bed and bank, evidence of an ordinary high water mark (OHWM) (debris wracking, scour, shelving, change in channel sediment texture [cobble channel bottom]), and connectivity to the traditionally navigable waters of the Pacific Ocean via Nipomo Creek. Drainage 1 was dominated by blue gum (*Eucalyptus globulus*), with scattered elderberry (*Sambucus nigra* subsp. *caerulea*) and coast live oak (*Quercus agrifolia*) in the canopy layer and poison oak (*Toxicodendron diversilobum*) in the understory. No flowing water was present within the drainage at the time of the survey. Drainage 2 originates northeast of the property and connects with Nipomo Creek south of the project site. This drainage also exhibited a well-defined bed and bank, evidence of an OHWM (debris wracking, scour, shelving), and connectivity to traditionally navigable waters of the Pacific Ocean via Nipomo Creek. Drainage 2 was dominated by poison hemlock (*Conium maculatum*), with scattered patches of arroyo willow (*Salix lasiolepis*). No flowing water was present within the drainage at the time of the survey.

Swales. Swales 1 and 2 also appear to connect with Nipomo Creek south of the project site. Based on the topographic map, Swale 1 is the headwaters of a USGS blue line stream located south of the project area. Further, USFWS wetland inventory maps indicate that this feature is identified as a riverine wetland. However, within the project area, Swale 1 was particularly difficult to identify in the landscape, lacking a well-defined bed and bank, and was observed with similar vegetation (i.e., non-native grasses) to upland areas. Swale 2 was slightly more defined in the landscape, though also lacked evidence of a well-defined bed and bank and a difference in vegetation as compared to upland areas. No flowing water was present within either of the swales at the time of the survey and neither displayed an OHWM. Thus, it is unlikely that these two swales would be considered jurisdictional by the regulatory agencies.

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Figure 10 -- Habitats of the Project Site



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Wildlife

The terrestrial habitat observed within and adjacent to the survey area provides suitable habitat for a variety of common and special-status wildlife species. In particular, the stands of mature blue gum trees adjacent to the survey area provides suitable nesting opportunity for a variety of nesting raptor species. Non-native grassland habitat observed within and adjacent to the survey areas may also provide suitable habitat for ground nesting birds and transient species foraging in the area. During the field survey, all invertebrate and vertebrate species observed, including those detected by indirect sign (i.e., tracks, scat, skeletal remains, dens, burrows, or vocalizations) were documented. Numerous avian species were observed, including California scrub jay (*Aphelocoma californica*) and red-tailed hawk (*Buteo jamaicensis*). California ground squirrel (*Otospermophilus beecheyi*) and Botta's pocket gopher (*Thomomys bottae*) were also observed throughout the survey area. Monarch butterfly (*Danaus plexippus*), was also observed on site.

Sensitive Resources

The results of the desktop research of the area surrounding the proposed project site indicated that 5 sensitive natural communities, 60 special-status plant species, and 34 special-status wildlife species occur regionally. A review of the habitat requirements for each of these species in comparison with site conditions narrowed the list to 4 sensitive plants and 4 sensitive wildlife species that have potential to occur within the overall survey area. Based on a lack of diagnostic species and/or substrate, no other sensitive natural communities are expected to occur. Those sensitive species determined to have a potential to occur on site are discussed further below.

Special-Status Species

For the purpose of this analysis, special status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the USFWS under the federal Endangered Species Act (ESA); those listed or proposed for listing as rare, threatened, or endangered by the CDFW under the California Endangered Species Act (CESA); animals designated as "Species of Special Concern," "Fully Protected," or "Watch List" by the CDFW; and plants occurring on California

Special Status Plant Species

Rare Plant Ranks (CRPR) 1,2,3 and 4 developed by the CDFW working in concert with the CNPS. The specific code definitions are as follows:

- 1A = Plants presumed extinct in California;
- 1B.1 = Rare or endangered in California and elsewhere; seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat);
- 1B.2 = Rare or endangered in California and elsewhere; fairly endangered in California (20-80% occurrences threatened);
- 1B.3 = Rare or endangered in California and elsewhere, not very endangered in California «20% of occurrences threatened or no current threats known);
- 2 = Rare, threatened or endangered in California, but more common elsewhere;
- 3 = Plants needing more information (most are species that are taxonomically unresolved; some species on this list meet the definitions of rarity under CNPS and CESA);
- 4.2 = Plants of limited distribution (watch list), fairly endangered in California (20-80% occurrences threatened); and

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- 4.3= Plants of limited distribution (watch list), not very endangered in California.

The surveys completed within the proposed project areas occurred outside the typical blooming period for a majority of regionally-occurring special-status plant species. As such, the potential for special-status plants to occur within the survey area is based on the presence of potentially suitable habitat, proximity to nearby CNDDB documented occurrences, and local biological knowledge. Based on this evaluation and a review of the relevant literature, it was determined that four special-status plant species have a low potential to occur within the overall project and survey area, unless their absence can be confirmed through appropriately timed surveys.

Miles' Milk-vetch (*Astragalus didymocarpus* var. *milesianus*), CRPR 1B.2 Miles' milk-vetch is an annual herb that is endemic to the central and southern coast of California. Its known range is concentrated along the Outer South Coast Ranges of San Luis Obispo and Santa Barbara Counties. This species typically occurs in clay soils in association with grassy areas and scrub near the coast. It has been documented at elevations below 400 meters and the typical blooming period is from March to May (Jepson eFlora, 2018). Documented threats to this species include development (CNPS, 2018a). According to CNDDB records (CDFW 2018), the nearest documented occurrence was recorded in 1936 and is greater than five miles northeast of the project site. Although marginally suitable habitat for this species is present within the perennial rye grass fields on site, the lack of recent nearby documented occurrences and disturbed conditions within the perennial rye grass fields make it unlikely for this species to occur. As such, this species is not expected to occur.

Cambria Morning-glory (*Calystegia subacaulis* subsp. *episcopalis*), CRPR 4.2 Cambria morning-glory is a perennial herb that is endemic to central California. Its known range is concentrated along the coastal ridges and foothills of the Outer South Coast Ranges of San Luis Obispo County. This species typically occurs in clay soils in association with various vegetation communities including grassland, chaparral, and woodland. It has been documented at elevations up to 500 meters and is known to tolerate disturbance. The typical blooming period is from April to June (Jepson eFlora, 2018). Documented threats to this species include development, alteration of fire regimes, and competition from non-native species (CNPS, 2018a). According to CCH records (2018), the nearest documented occurrence of this species is a herbarium specimen collected in 2006 approximately three miles northwest of the project site. This species was not observed during the survey effort; however, the survey was conducted outside of the typical blooming period for this species. At the time of the survey, the perennial rye grass field (Site 2) appeared to provide marginally suitable habitat for this species due to a lack of recent tilling and/or grazing activities. If standard land management practices are consistently implemented (i.e., tilling and grazing), the potential for this species to occur is considered low. Based on the presence of marginally suitable habitat at the time of the survey, it is evident that the disturbed grassland has potential to provide marginally suitable habitat for this species. As such, recommended avoidance and minimization measures are provided in below.

Small-flowered Morning-glory (*Convolvulus simulans*), CRPR 4.2 Small-flowered morning-glory is an annual herb that is native to California and Baja California. Known populations are concentrated along the southern coast of California between Los Angeles and Baja, with scattered populations occurring throughout the Inner and Outer South Coast Ranges and in the Sierra Nevada foothills. This species typically occurs on clay soils in grassland, coastal sage scrub, and chaparral communities at elevations ranging from 30 to 875 meters. The typical blooming period is from April to June (Jepson eFlora, 2018). According to CCH (2018) records, the nearest documented occurrence of this species is a herbarium specimen collected in 1998 approximately 15 miles southeast of the project site. Although marginally suitable habitat for this species is present on site, the lack of nearby documented occurrences makes it unlikely for this species to occur.

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Black-flowered Figwort (*Scrophularia atrata*), CRPR 1B.2 Black-flowered figwort is a perennial herb that is endemic to San Luis Obispo and Santa Barbara Counties. It occurs along the immediate coast in calcium- and diatom-rich soils in association with various habitats, including chaparral, coastal dunes, coastal scrub, riparian scrub, and closed-cone coniferous forest. It has been documented at elevations below 400 meters. The typical blooming period is from April to July (Jepson eFlora, 2018). Documented threats to this species include energy development and mining (CNPS, 2018a). According to CNDDB records (CDFW, 2018), the nearest documented occurrence of this species is greater than five miles northwest of the project site. Although marginally suitable habitat for this species is present within the drainages on site, the lack of nearby documented occurrences and dominance of non-native species along the banks of Drainage 1 and 2 makes it unlikely for this species to occur. As such, this species is not expected to occur.

Special Status Animal Species

A list and description of the four sensitive wildlife species with potential to occur, including a description of their habitats, conservation status, and their likelihood for occurrence within the survey area, is provided below.

Sensitive Mammal Species

Pallid Bat (*Antrozous pallidus*), State Status – Species of Special Concern (CSC) Pallid bat is common at low elevations throughout California and occurs in a variety of habitats including grasslands, shrublands, woodlands, and mixed conifer forest. This species is most common in open, dry habitats with rocky areas for roosting, but may occasionally have day roosts in hollow trees and buildings. Night roosts generally occur in more open areas such as porches and open buildings (Zeiner et al., 1988-1990a). According to CNDDB records (CDFW, 2018), there is a single documented occurrence of this species approximately 13 miles southeast of the site. Suitable roosting habitat is present in the cavities of coast live oak trees along the northern end of the survey area, as well as within the crevices of existing man-made structures on site. As such, recommended avoidance and minimization measures are provided in Section 4.2 below.

American Badger (*Taxidea taxus*); State Status – CSC American badger is a non-migratory species that occurs throughout most of California. This species is highly mobile, can occupy a variety of habitat types, and generally occurs in grasslands, meadows, savannahs, open-canopy, desert scrub, and open chaparral. This species requires friable soils in areas with low to moderate slopes (Zeiner et al., 1988-1990b). According to CNDDB records (CDFW, 2018), this species has been documented approximately eight miles east of the project site. Suitable habitat, as well as a prey base (e.g., pocket gopher and squirrel), is present for this species within the grasslands surrounding the existing hoop house structures and within Site 2. As such, there is potential for this species to be encountered on site. Recommended avoidance and minimization measures are provided in Section 4.2 below.

Sensitive Reptile Species

Northern California Legless Lizard (*Anniella pulchra*), State Status – CSC Northern California legless lizard is known to occur from the northern end of the San Joaquin Valley, south through the Inner and Outer South Coast Ranges at elevations below 1,800 meters (Nafis, 2018). This species requires sandy or loose loamy soils within coastal dune scrub, coastal sage scrub, chaparral, woodland, riparian, or forest habitats. It requires cover such as logs, leaf litter, or rocks and will cover itself with loose soil. Relatively little is known about the specific behavior and ecology of this species, but it is thought to be a diurnal species that breeds between the months of March and July. It gives birth to live young in the early fall. Population declines have been attributed to agricultural development, sand mining, use of off-road recreational vehicles, and habitat

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loss through the spread of invasive, non-native vegetation such as iceplant (*Carpobrotus* spp.) (Zeiner et al., 1988-1990c).

According to CNDDDB records (CDFW, 2018), the nearest documented occurrence of this species is approximately 4.6 miles northwest of the project area. Blue gum tree stands and riparian habitat containing downed woody debris and leaf litter in the northern portion of the project area may provide suitable habitat for this species. As such, recommended avoidance and minimization measures are provided below.

Sensitive Invertebrate Species

Monarch Butterfly (*Danaus plexippus*); State Special Animal (Overwintering); Federal Candidate Species
Monarch butterflies begin migrating in early November to over-wintering sites in southern California and Mexico. They fly north for breeding as milkweeds (*Asclepias* spp.) come into bloom in the spring. Wintering monarchs have very specific habitat requirements for overwintering sites, including dappled sunlight, high humidity, fresh water, and an absence of freezing temperature or high winds (Sakai and Calvert, 1991). Overwintering sites are typically located within 1.5 miles of the Pacific Ocean, in areas with moderate temperatures. In central and southern California, they typically aggregate on Monterey pine (*Pinus radiata*) and blue gum trees (Xerces Society, 2017). According to CNDDDB (CDFW, 2018) records, several overwintering populations of monarchs have been documented within a 5-mile radius of the project site. One individual monarch butterfly was observed by Terra Verde during the August 2018 field survey. It is unknown whether the site currently supports an overwintering population; however, suitable habitat is present within blue gum stands on site. As such, recommended avoidance and minimization measures are provided in Section 4.2 below which will avoid or minimize potential impacts to overwintering monarch butterflies if they are present.

Migratory Nesting Birds and Sensitive Avian Species

Migratory Nesting Birds. In addition to those species protected by the state or federal government, all native avian species are protected by state and federal legislature, most notably the Migratory Bird Treaty Act and the California Fish and Game Code. Collectively, these and other international regulations make it unlawful to collect, sell, pursue, hunt, or kill native migratory birds, their eggs, nests, or any parts thereof. Avian species can be expected to occur within the project area during all seasons and throughout construction of the proposed project. The potential to disrupt these species is highest February 1 through September 15, when nests are likely to be active and eggs and young are present. Grassland habitat provides particularly suitable habitat for common passerines and ground nesting birds, while the blue gum stands provide suitable nesting habitat for raptors. Recommended avoidance and mitigation measures for the protection of migratory nesting birds are provided in below.

Discussion

- (a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Special-Status Plants

No special-status plants were documented within the survey area during the site survey, which occurred outside the typical blooming period (April – June) for a majority of special-status species with potential to occur. Marginally suitable habitat for Cambria morning-glory was observed within the perennial rye grass fields (Site 2) at the time of the survey; however, it is expected that suitable conditions may not be consistently present on site as a result of ongoing agricultural activities. It is

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expected that these activities would reduce the potential for this species to establish and/or persist in the project area. If land management practices change and grassland habitat is present prior to the start of construction activities within Site 2, Cambria morning-glory may become established and be directly and/or indirectly impacted by project activities. Direct impacts to Cambria morning-glory may occur if the seed bank is reduced or mature individuals are removed during project implementation.

Special-Status Animals

American Badger

Direct impacts to American badger may occur as a result of construction related activities including crushing, trampling, and/or entombment. Increased short-and long-term anthropogenic activity in the vicinity of viable populations located outside of project area also have a potential to indirectly impact these species by removal of habitat and potential primary and secondary exposure to agricultural chemicals including rodenticides.

Pallid Bat and Northern California Legless Lizard

As designed, no direct impacts to these species are expected to occur as a result of project related activities. If project designs change and impacts occur to the understory of blue gum trees or any trees or buildings containing roosting cavities, direct and indirect impacts may occur as a result of project-related disturbances or removal of habitat. Further, potential exposure to agricultural chemicals may have indirect and direct impacts on these special-status species.

Monarch Butterfly

Overwintering habitat is present for monarch butterflies within stands of blue gum trees along the northern boundary of the project site. Impacts to this species may occur as a result of dust impacts during construction. As currently designed, no modification or removal of suitable overwintering habitat is expected to occur.

Sensitive and Nesting Birds

Direct impacts to bird species are most likely to occur if construction activities take place during the typical avian nesting season, generally February 1 through September 15. No tree trimming/removals are proposed as a part of the project. However, direct and indirect impacts may occur due to habitat loss at Site 2 (e.g., perennial rye grass fields) or project-related disturbances that may deter nesting or cause nests to fail.

- (b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*
- (c) *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Federal and State Waters and Wetlands

As mentioned above, two USGS blue line streams and two swale features occur within the survey area. Drainages 1 and 2 exhibited a well-defined bed and bank, evidence of an OHWM, and a significant nexus to traditionally navigable waters of the U.S. (i.e., the Pacific Ocean via Nipomo Creek). Based on the above, these streams fall within the jurisdiction of the U.S. Army Corps of

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Engineers, Regional Water Quality Control Board, and CDFW. If impacted, these streams would be subject to regulatory agency permitting pursuant Section 401/404 of the Clean Water Act and Section 1602 of the Fish and Game Code. Swales 1 and 2 lacked evidence of a well-defined bed and bank or evidence of an OHWM. As such, it is unlikely that either of these features would be considered jurisdictional under CDFW, Regional Water Quality Control Board, or the U.S. Army Corp of Engineers. No wetlands were observed within the survey area.

The drainages and swale features are the only hydrologic resources present within the survey area. Based on the presence of a well-defined bed and bank, evidence of an OHWM, and a significant nexus to traditionally navigable waters, both Drainages 1 and 2 are considered waters of the state and waters of the U.S. Though no direct impacts are proposed to the drainages, indirect impacts may occur to waters of the state and waters of the U.S. as a result of silt and sedimentation from project activities.

USFWS-designated Critical Habitats

No USFWS-designated critical habitat for federally threatened or endangered species occurs within the project area.

- (d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Maintaining connectivity between areas of suitable habitat is critical for dispersal, migration, foraging, and genetic health of plant and wildlife species. The project site is located approximately 11 miles west of the Los Padres National Forest, outside of Nipomo, California. The project site is located in a semi-rural area of San Luis Obispo County, beyond the community of Nipomo, surrounded by agricultural operations and rural residences. Existing barriers to migration to and from non-developed portions of the project site, particularly for wildlife, are influenced by the high density of agriculture in the region, which typically correlates with a high frequency of land manipulation, wildlife-exclusion fences, and pest management activities. As a result, natural habitat features are currently fragmented on all sides of the project site. New localized barriers may be created by the conversion of the grassland and open agricultural fields to permanent or semi-permanent structures, which may deter general wildlife movement through the area; however, no large-scale passage barriers are proposed. The proposed project is not expected to increase the overall level of fragmentation in the region. No passage barriers through aquatic features are proposed as a part of the project.

Due to the semi-rural sky nature of the area, bright, artificial grow lighting that escapes the cultivation facilities could have the potential to impact wildlife species. Implementation of Mitigation Measure AES-1, which requires the applicant to prepare a light pollution prevention plan to prevent any light pollution resulting from cultivation activities, would reduce this impact to less than significant with mitigation.

- (e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

The project is consistent with relevant policies and ordinance protecting biological resources and does not propose the removal of any trees.

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- (f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

Conclusion

With implementation of Mitigation Measures BIO-1 through BIO-6 potential impacts to biological resources would be less than significant. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Sections 8304 (a) and (b) require cannabis projects to:

- (a) Comply with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife;
- (b) Comply with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code;

Mitigation

BIO-1 Site Maintenance and General Operations The following general measures shall be included on the construction plans and shall be implemented and field verified during active construction:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits.
- Signs shall be posted at the boundary of the work area adjacent to Drainage 1 and Drainage 2 indicating the presence of sensitive resources.
- Staging of equipment and materials shall occur in designated areas at least 50 feet from drainages or swales.
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur at least 50 feet from drainages or swales. Sandbags and/or absorbent pads shall be available to prevent spilled fuel from leaving the site.
- Any chemicals used shall be prevented from entering drainages or swales.
- Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

BIO-2 Survey for Special-status Plants. During the spring season immediately prior to the start of project activities, an appropriately timed botanical survey shall be conducted by a qualified botanist during the typical blooming period for Cambria morning glory (i.e., April – June). The survey shall be conducted in all areas proposed for temporary or permanent construction activity, including temporary access roads, staging yards, and laydown areas, and shall include the following:

- As a primary goal, any sensitive plant species encountered during the survey(s) shall be flagged for avoidance, and construction activities shall avoid the marked areas to the maximum extent feasible.
- If no special-status plants are observed, no further action is required.

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- If sensitive plant individuals or populations are identified on site and cannot be avoided during construction (i.e., if avoidance is deemed infeasible), a topsoil salvage plan shall be developed prior to the onset of construction and implemented during construction. The topsoil salvage plan shall, at a minimum, provide details of topsoil salvage procedures and location of proposed topsoil placement.

BIO-3 Preconstruction Survey for American Badger A qualified biologist shall conduct a pre-activity survey within 30 days prior to the start of greenhouse construction to ensure American badger are not present during the start of construction. If dens are discovered, they will be inspected to determine if they are currently occupied. If dens are determined to be inactive by the qualified biologist, they will be excavated by hand to prevent re-occupation prior to construction. If the qualified biologist determines that potential dens may be active during the non-breeding season, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage the use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three to five-day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. If badgers are found during their breeding and rearing season (May to December), dens shall be avoided by a 150-foot buffer to protect them from construction activities. If these dens cannot be avoided after the breeding season has concluded, the above procedure will be followed.

BIO-4 Surveys and Protection for Monarch Butterfly If work is scheduled to occur during the monarch butterfly overwintering period (November to February) within 50 feet of Eucalyptus sp. trees, a qualified biologist shall survey the tree grove for any roosting butterflies. If roosting butterflies are detected, a 50-foot buffer shall be placed around the grove and the following dust control measures shall be implemented to avoid and/or minimize dust emission impacts. If no roosting butterflies are found, then no further action is needed. During any clearing and earth moving operations, water trucks or sprinkler systems shall be used in sufficient quantities to significantly reduce dust from leaving the site. Increased watering frequency will be required whenever there are high wind conditions. The entire area of disturbed soil shall be wet down in such a manner as to create a crust at the end of each day's activities.

BIO-5 Preconstruction Survey for Sensitive and Nesting Birds If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the new proposed expansion area for nesting birds within one week prior to activity beginning on site. If nesting birds are located on site, they shall be avoided until they have successfully fledged or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work will begin until an appropriate buffer is determined in consultation with the CDFW, and/or the USFWS.

BIO-6 Avoidance and Protection of Federal and State Waters and Wetlands All proposed permanent and/or temporary features shall be located a minimum of 50 feet from the edge of the drainages. If work must occur during the rainy season, temporary stabilization Best Management Practices (BMPs) shall be implemented, as necessary, to prevent erosion and sedimentation into the drainages and swales. Acceptable stabilization methods include the use of weed-free, natural fiber

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(i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard BMPs. The BMPs shall be installed and maintained until the disturbance areas are stabilized.

Sources

See Exhibit A.

V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project site is located in an area of moderate archaeological sensitivity. Accordingly, a Phase I Archaeological Survey was prepared for the project site (Thor Conway, Heritage Discoveries, Inc., June 20, 2018). The following discussion is a summary of the findings and recommendations of that study.

The Nipomo Mesa area shows a rich archaeological heritage represented by dozens of significant archaeological sites. The mesa is virtually surrounded by prehistoric camps and villages along the top of the bluffs and ancient dunes. Other sites occur in interior areas near springs and along Black Lake Canyon. A number of site surveys and test excavations have taken place across the Nipomo Mesa such as the Cypress Ridge Development area along the Black Lake Canyon where large, low-density prehistoric settlements occur (Conway 1996b; Gibson 1984; Kirkish et al. 1989). An archaeological survey done in 1958 documented the presence of numerous prehistoric sites along the western edge of the mesa (Wallace & Taylor 1958).

The earliest known archaeological investigations of the Nipomo Mesa area took place in 1874 near the present town of Nipomo when Paul Schumacher excavated aboriginal graves at a village, most likely the historic Chumash settlement of Nipumu', located in the present town of Nipomo. Schumacher worked as an agent of the Smithsonian Institution. The area along the eastern edge of the Nipomo Mesa shows intensive prehistoric settlement with several very large archaeological sites. A series of archaeological sites have been recorded within the town of Nipomo. Two of these sites, CA-SLO-804 and CA-SLO-809, may be one large settlement known historically as the Chumash village of Nipumu' (Gibson 1995; Conway 1996a & 1998).

Other archaeological surveys completed in the town of Nipomo have yielded negative results for the presence of cultural resources (Conway 2002 & 2003a & b).

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Archaeological Survey Methods

The Phase I archaeological work was designed to answer several basic questions about the presence or absence of prehistoric sites in the study area at 510 Rancho Road in Nipomo. The primary goals included:

1. Determine the presence or absence of heritage resources within the study area.
2. If archaeological sites are present, establish their surface boundaries.
3. Generate planning recommendations for managing or mitigating potential impacts to heritage resources.

The Phase I study of the property used basic archaeological field methods including a systematic surface survey of the project area at two meter intervals. Any archaeological materials found during the survey would be recorded.

Paleontological Setting

The area is part of the Monterey Formation, characterized by silts, shales, and sandstone. Although Monterey chert can be found throughout this formation, it appears to be more localized on top of and around small ridges and knolls.

Discussion

- (a) *Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?*
- (b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?*

On June 3rd, 2018, archaeologist Alison Bryson-Deveraux and field technician Richard Pagán conducted a Phase I pedestrian survey located at 510 Rancho Road in Nipomo, California. The survey consisted of approximately 5 +/- acres within a larger agricultural ranch with the survey areas slated for future cultivation and greenhouse/hoophouse installations.

The area currently has multiple barns, out buildings, animal pens, residences, orchards, agricultural facilities and hoop houses.

The survey was conducted in clear weather with good to excellent ground visibility in areas of graded and recently prepped cultivation land, and moderate visibility in undisturbed locations. Boot scrapes were conducted in less vegetated areas to evaluate the soil beneath, revealing a medium brown shale clay loam. A review of site records and reports from the Central Coast Information Center in June 2018 indicated that no large prehistoric archaeological sites have been recorded previously in the vicinity of the study area. Several archaeological surveys have taken place nearby with one to the northwest (Spanne 1977) and two to the west (Conway 2004; Singer 1985).

While the archaeological records search showed one historic era site, CA-SLO-1886, is located about one-half mile distant, no other sites were present in the search area.

AB 52 consultation outreach was conducted for this project, and no tribal cultural resources were identified.

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(c) *Disturb any human remains, including those interred outside of dedicated cemeteries?*

No human remains have been associated with the project site. However, in the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required. This section requires that, in the event archaeological resources are encountered during project construction, construction activities cease, and the County Planning Department be notified of the discovery. If the discovery includes human remains, the County Coroner shall also be notified.

Conclusion

No significant impacts to archaeological, historical, or paleontological resources are expected, and no mitigation measures beyond compliance with the LUO are necessary to mitigate for the unlikely discovery of archaeological, historic, prehistoric, or human burials. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (d) requires the project to Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered.

Mitigation

None are required.

Sources

See Exhibit A.

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VI. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from greenhouse gas-free resources (PG&E 2017).

PG&E offers two programs through which consumers may purchase electricity from renewable sources: the Solar Choice program and the Regional Renewable Choice program. Under the Solar Choice program, a customer remains on their existing electric rate plan and pays a modest additional fee on a per kWh basis for clean solar power. The fee depends on the type of service, rate plan and enrollment level. Customers may choose to have 50% or 100% of their monthly electricity usage to be generated via solar projects. The Regional Renewable Choice program enables customers to subscribe to renewable energy from a specific community-based project within PG&E's service territory. The Regional Renewable Choice program allows a customer to purchase between 25% and 100% of their annual usage from renewable sources.

SoCalGas is the primary provider of natural gas for urban and rural communities with the County of San Luis Obispo. SoCalGas has committed to replacing 20% of its traditional natural gas supply with renewable natural gas by 2030 ([Sempra 2019](#)).

The County COSE establishes goals and policies that aim to reduce vehicle miles traveled, conserve water, increase energy efficiency and the use of renewable energy, and reduce greenhouse gas emissions. The COSE provides the basis and direction for the development of the County's EnergyWise Plan (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide greenhouse gas emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

In 2010, the EWP established a goal to reduce community-wide greenhouse gas emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "[a]ddress future energy needs through increased conservation and efficiency in all sectors" and "[i]ncrease the production of renewable energy from small-scale and commercial-scale renewable energy installations to account for 10% of local energy use by 2020." In addition, the County has published an EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

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The goals and policies in the COSE and EWP address the 2005 GHG emissions reduction targets for California (Executive Order S-03-05) issued by California's Governor in 2005. The targets include:

- By 2010 reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels;
- By 2050, reduce GHG emissions to 80% below 1990 levels.

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the *2019 Building Energy Efficiency Standards*. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements. While the CBC has strict energy and green-building standards, U-occupancy structures (such as greenhouses) are typically not regulated by these standards.

The County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs). The LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (LUO 22.14.100). The project site is located in a Renewable Energy Area combining designation.

Energy Use in Cannabis Operations

The total energy demand of a cannabis operation depends heavily on the type of cultivation, manufacturing, location of the project, as well as the types of equipment required. Outdoor cultivation involves minimal equipment and has relatively low energy demands, while indoor cultivation involves more equipment that tends to have much higher energy demands (e.g., high-intensity light fixtures, and climate control systems) ([County of Santa Barbara 2017](#)). Specific energy uses in indoor grow operations include high-intensity lighting, dehumidification to remove water vapor and avoid mold formation, odor management, space heating or cooling during non-illuminated periods and drying processes, preheating of irrigation water, generation of CO₂ from fossil fuel combustion, and ventilation and air conditioning to remove waste heat. Reliance on equipment can vary widely as a result of factors such as plant spacing, layout, and the surrounding climate of a given facility ([CDFA 2017](#)).

Comparatively, non-cultivation cannabis operations, such as distribution or retail sales, tend to involve typical commercial equipment and processes that may require minor to moderate amounts of power. These non-cultivation activities are subject to the CBC and *2019 Building Energy Efficiency Standards*, and therefore do not typically result in wasteful or inefficient energy use. Activities and processes related to commercial cannabis do not typically require the demand for natural gas supplies, and it is assumed that such activities would represent a nominal portion of the County's total annual natural gas demand ([County of Santa Barbara 2017](#)).

Depending on the site and type of activities, cannabis operations may range in measures that promote the conservation of energy resources. For instance, several current operators are known to engage in practices

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that promote energy conservation and reduce overall energy demands using high-efficiency lighting or through generation and use of solar energy. However, many other operations within the County have been observed to engage in activities which are highly inefficient and may result in the wasteful use of energy resources. Such operations may include the use of old equipment, highly inefficient light systems (e.g., incandescent bulbs), reliance on multiple diesel generators, and other similar inefficiencies ([County of Santa Barbara 2017](#)).

Discussion

- (a) *Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*
- (b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Construction-related Impacts. During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the County. State and federal regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. Energy consumption during construction would not conflict with a state or local plan for renewable energy and would not be wasteful, unnecessary, or inefficient, and therefore would be less than significant.

Operational Impacts.

Electricity and Natural Gas. A cannabis project would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation if it utilizes significantly more energy (>20%) than a generic commercial building of the same size. Based on the California Energy Commission Report prepared by Itron, Inc. (March 2006), a generic commercial building utilizes 21.25 kWh/sf annually (13.63 kWh from electricity and 7.62 kWh from natural gas).

The CBC 2019 Building Energy Efficiency Standards includes mandatory energy efficiency standards; however, U-occupancy structures (such as greenhouses) are exempt from these standards and therefore are not necessarily using efficient energy practices. A project's processing, manufacturing, distribution, or retail structure would be subject to the CBC 2019 Building Energy Efficiency Standards, and therefore the energy demand of these uses would not be wasteful, inefficient, or unnecessary. Because the cultivation activities would not be subject to these state energy efficiency regulations, they could potentially result in wasteful, inefficient, or unnecessary energy consumption.

According to the project application materials, the proposed cannabis activities are expected to consume 395,464 kWh of electricity.

For purposes of CEWA compliance, the County estimates energy consumption for cannabis activities using rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form ([County of Santa Barbara 2018](#)). This calculation form contains formulas for estimating electricity use of cannabis operations. The form assumes that indoor cultivation uses 200 kWh/sf annually and that mixed light (greenhouse) cultivation uses 110 kWh/sf annually. Because the County does not allow lighting or climate control for outdoor cultivation activities, it is assumed that energy use associated with outdoor cultivation (e.g. water pump) would be minor and less than

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significant. As discussed above, non-cultivation activities such as manufacturing, storage and drying would be subject to CBC standards regarding energy efficiency and therefore would not result in wasteful or inefficient energy use for the purpose of this analysis.

The proposed project would include 27,500 sf of indoor cultivation floor area as well as 17,500 sq.ft. of ancillary nursery. A preliminary estimate of the project's energy demand, based on the energy consumption rates from the County of Santa Barbara Cannabis Energy Conservation Plan Electricity Use Calculation Form ([County of Santa Barbara 2018](#)), is provided in Table 7. No diesel, gasoline, or natural gas is proposed.

Table 7 -- Projected Operational Energy Use

Project Component	Size (sf)	Rate (kWh/year-sf)	Projected Energy (kWh/year)
Generic Commercial Building of Comparable Size	45,000	21.25	552,500
Indoor Cultivation (greenhouses, includes ancillary and commercial nursery)		200	9,000,000
Percent In Excess of Generic Commercial Building			1,528%

Based on the California Energy Commission Report, a generic non-cannabis commercial building of 26,000 sf would use 552,500 kWh per year (21.25 kWh/sf x 26,000 sf). Based on the energy consumption rates above, the proposed project's cultivation activities would use 1,528% more energy than a generic non-cannabis commercial building of the same size. This amount of energy use would potentially be wasteful and inefficient when compared to similar sized buildings implementing energy efficiency measures and would require mitigation.

Fuel Use. Construction activities will result in fuel use for worker and delivery trips and the operation of construction equipment. Ongoing operation of the project will result in fuel use associated with employee motor vehicle trips and deliveries. For purposes of determining whether fuel use would be wasteful and inefficient and cumulatively considerable, project-related fuel use will be compared with the total fuel use from motor vehicles in San Luis Obispo County.

Table 8 provides a summary of total sales of gasoline and diesel fuel in San Luis Obispo County in 2018.

Table 8 -- State and County Fuel Consumption in 2018

Fuel	Statewide	San Luis Obispo County
Gasoline	13,475 million gallons	150 million gallons (or, about 410,958 gallons per day)
Diesel	1,602 million gallons	22 million gallons

Source: California Energy Commission

Assumptions:

- Daily vehicle miles travelled in San Luis Obispo County in 2020 (estimate from 2014 Regional Transportation Plan): 7,998,615.

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- 172 million gallons of fuel consumed per year / 365 days = 471,232 gallons of fuel use per day
- 471,232 gallons of gasoline and diesel fuel consumed per day / 7,998,615 miles travelled per day = 0.058 gallons of fuel consumed per day per mile travelled
- Average Daily Trips (ADT) for Project x 14.7 miles = Daily Vehicle Miles Travelled (VMT)
- Daily VMT x gallons per mile travelled = Daily gallons of fuel use
- Three worker trips and 1 delivery trip per day for construction activities for 10 working days
- 12 Average Daily Trips for operations for 365 days

Construction Fuel Use

4 ADT x 14.7 miles = 58.8 VMT per day

58.8 x 10 days = 588.8 total VMT

588.8 x 0.058 gallons consumed per mile travelled = 34.1 gallons

Operational Fuel Use

12 ADT x 14.7 miles = 176.4 VMT per day

176.4 x 365 days = 64,387 total VMT per year

64,387 x 0.058 gallons consumed per mile travelled = 3,734 gallons per year

Total fuel use associated with construction and operation of the project would be 0.8% of the total daily fuel consumed in the County in 2018. Accordingly, fuel consumption associated with the project would not be wasteful, inefficient or unnecessary.

Greenhouse Gas Emissions. Energy inefficiency contributes to higher greenhouse gas (GHG) emissions and by nature is in conflict with state and local plans for renewable energy or energy efficiency, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. (Additional background information on GHG Emissions is in Section VIII.) CalEEMod can be used to determine GHG emissions from a “typical” amount of indoor or mixed light cultivation:

Table 9 – Project Related Projected Operational GHG Emissions (CO₂e)

Project Component	Size (sf)	Rate (MT/year-sf)	Projected GHG Emissions (MT/CO ₂ e/year)
Indoor Cultivation (greenhouses, includes ancillary nursery)	45,000	0.058 ¹	2,610 ²

Notes:

1. Source: CalEEMOD 2016
2. Includes GHG emissions associated with energy use and fuel consumption.

Based on this information, the proposed project would exceed the SLOAPCD's Bright Line Threshold of 1,150 MTCO₂e. To mitigate this potential operational impact, the project will be required to

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implement a package of measures that would reduce or offset the project's energy demand to within 20% of the energy demand of a similarly sized generic non-cannabis commercial building (663,000 kWh) and offset GHG emissions to achieve the 1,150 MTCO₂e Bright Line Threshold. Mitigation Measure ENG-1 through ENG-3 would reduce the example project's environmental impact from wasteful and inefficient energy use to *less than significant with mitigation*.

Potential impacts would be *less than significant with mitigation*.

Conclusion

The project would result in a potentially significant energy demand and inefficient energy use during long-term operations which will also increase in greenhouse gas emissions. Inefficient energy use would potentially conflict with state or local renewable energy or energy efficiency plans. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8305 relating to Renewable Energy Requirements:

Beginning January 1, 2023, all indoor, tier 2 mixed-light license types of all sizes, and nurseries using indoor or tier 2 mixed-light techniques, shall ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program, division 1, part 1, chapter 2.3, article 16 (commencing with section 399.11) of the Public Utilities Code.

Compliance with the provisions of Code of Regulations together with recommended mitigation measures ENG-1, ENG-2, and ENG-3 will reduce potential impacts to less than significant.

Mitigation

ENG-1. Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, an Energy Conservation Plan with a package of measures that, when implemented, would reduce or offset the project's energy demand to within 20% of the demand associated with a generic commercial building of the same size. The Energy Conservation Plan shall include the following:

- a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.
- b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net

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reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:

1. Participating in an annual energy audit.
 2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
 3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 4. Implementing automated lighting systems.
 5. Utilizing natural light when possible.
 6. Utilizing an efficient circulation system.
 7. Ensuring that energy use is below or in-line with industry benchmarks.
 8. Implementing phase-out plans for the replacement of inefficient equipment.
 9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
- iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
- iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

ENG-2. Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related greenhouse gas emissions below the 1,150 MTCO₂e Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

- a. Purchase of greenhouse gas offset credits from any of the following recognized and reputable voluntary carbon registries:
 - i. American Carbon Registry;
 - ii. Climate Action Reserve;
 - iii. Verified Carbon Standard.
 - iv. Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.
- b. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.
- c. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 Bright Line Threshold.

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- ENG-3. At time of quarterly monitoring inspection,** the applicant shall provide to the Department of Planning and Building for review, a current energy use statement from the service provider (e.g. PG&E) that documents energy use to date for the year. The applicant shall demonstrate continued compliance with ENG-1 and ENG-2 (e.g. providing a current PG&E statement or contract showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

Sources

See Exhibit A.

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VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project site is located on relatively flat to gently rolling topography at the foothills of the Temetatte Ridge. Soils of the project site are described in Section 2. Agricultural Resources.

The project site is not located within the Geologic Study Area designation and is not within a high liquefaction area. The Setting in Section 2, Agricultural Resources, describes the soil types and characteristics on the project site. The site's potential for liquefaction hazard are considered low to moderate. The project site is not located in an Alquist Priolo Fault Zone, and no active fault lines cross the project site (CGS 2018). Prior to the issuance of a building permit, the site may be subject to the preparation of a geological report per the County's Land Use Ordinance (LUO section 22.14.070 (c)) to evaluate the area's geological stability and to inform the design of building foundations.

The San Luis Obispo County Mineral Designation Maps indicate the site is not located in a Mining Disclosure Zone or Energy/Extractive Area. Therefore, the project would not result in the preclusion of mineral resource availability.

DRAINAGE – The project site is not located within a 100-year flood hazard area. Drainage, sedimentation and erosion control plans are required for all construction and grading projects (LUO Sec. 22.52.100 and 22.52.110) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts.

SEDIMENTATION AND EROSION – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Section 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local agency who manages compliance with this program.

Discussion

- (a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
- (a-i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
 - (a-ii) *Strong seismic ground shaking?*
 - (a-iii) *Seismic-related ground failure, including liquefaction?*
 - (a-iv) *Landslides?*

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The project site is not within a Geologic Study area designation and exhibits a low potential for liquefaction; landslide risk is considered moderate but slopes on the project site and surrounding properties are gently-sloping.

The Santa Maria Fault passes about one-quarter mile to the west of the project site. This fault extends roughly north-south along the floor of the Nipomo Valley and is considered potentially active.

All structures will be constructed in accordance with relevant provisions of the California Building Code and informed by a soils engineering analysis as determined by the Building Division. The project site does not present any dangers associated with seismic activity, ground failure or liquefaction that cannot be addressed through the application of appropriate building codes.

(b) Result in substantial soil erosion or the loss of topsoil?

The project will result in an area of disturbance of about 1.5 acres; construction of the 45,000 sq.ft. greenhouse and 10,000 sq.ft. processing building will require about 55 cubic yards of cut and fill that will be distributed on site.

In accordance with LUO Section 22.05.036, the project will be conditioned to provide an erosion and sedimentation control plan to be reviewed and approved prior to building permit issuance. Implementation of the erosion and sedimentation control plan required by the LUO will ensure potential impacts associated with erosion and the loss of topsoil will be less than significant.

(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Soils associated with the project site are described in Section 2. Agriculture. As discussed in the setting, the project site is not located in an area subject to unstable geologic conditions. In accordance with LUO Sections 22.52.100 and 22.52.110, the areas to be graded will be subject to an approved grading and drainage plan and erosion and sedimentation control plan. Compliance with relevant provisions of the California Building Code will ensure potential impacts associated with site landslide, lateral spreading, subsidence, liquefaction or collapse will be less than significant.

(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

According to the NRCS Web Soil Survey, none of the soils present on the project site are considered expansive as defined by Table 18-1-B of the Uniform Building Code.

(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

According to the NRCS Web Soil Survey, soils of the project site do not present significant limitations for the use of septic leach fields.

(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The project site is not located in an area of the County known to support significant paleontological resources.

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Conclusion

The project is not expected to result in a significant impact relating to geology and soils.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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VIII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Greenhouse gases (GHG) are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement).

Carbon dioxide is the most abundant GHG and is estimated to represent approximately 80-90% of the principal GHGs that are currently affecting the earth's climate. According to the California Air Resources Board (ARB), transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

In March 2012, the SLOAPCD approved thresholds for Greenhouse Gas (GHG) emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. The Bright-Line Threshold of 1,150 Metric Tons CO₂/year (MT CO₂e/yr) is the most applicable GHG threshold for most projects. Table 1-1 in the SLOAPCD CEQA Air Quality Handbook provides a list of general land uses and the estimated sizes or capacity of those uses expected to exceed the GHG Bright Line Threshold of 1,150 Metric Tons of carbon dioxide per year (MT CO₂/yr). Projects that exceed the criteria or are within ten percent of exceeding the criteria presented in Table 1-1 are required to conduct a more detailed analysis of air quality impacts.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

In October 2008, ARB published its *Climate Change Proposed Scoping Plan*, which is the State's plan to achieve GHG reductions in California required by Assembly Bill (AB) 32. The Scoping Plan included ARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, implementation of energy efficiency

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measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extended the State's GHG reduction goals and require ARB to regulate sources of GHGs to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050. The initial Scoping Plan was first approved by ARB on December 11, 2008 and is updated every five years. The first update of the Scoping Plan was approved by the ARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030-2035) toward reaching the 2050 goals. The most recent update released by ARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

The County Energy Wise Plan (EWP; 2011) identifies ways in which the community and County government can reduce greenhouse gas emissions from their various sources. Looking at the four key sectors of energy, waste, transportation, and land use, the EWP incorporates best practices to provide a blueprint for achieving greenhouse gas emissions reductions in the unincorporated towns and rural areas of San Luis Obispo County by 15% below the baseline year of 2006 by the year 2020. The EWP includes an Implementation Program that provides a strategy for actions with specific measures and steps to achieve the identified GHG reduction targets including, but not limited to, the following:

- Encourage new development to exceed minimum Cal Green requirements;
- Require a minimum of 75% of nonhazardous construction and demolition debris generated on site to be recycled or salvaged;
- Continue to implement strategic growth strategies that direct the county's future growth into existing communities and to provide complete services to meet local needs;
- Continue to increase the amount of affordable housing in the County, allowing lower-income families to live closer to jobs and activity centers, and providing residents with greater access to transit and alternative modes of transportation;
- Reduce potable water use by 20% in all newly constructed buildings by using the performance methods provided in the California Green Building Code;
- Require use of energy-efficient equipment in all new development;
- Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index of 10 for high-slope roofs and 68 for low-slope roofs; and
- Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities.

In 2016 the County published the EnergyWise Plan 2016 Update, which describes the progress made toward implementing measures in the 2011 EWP, overall trends in energy use and emissions since the baseline year of the inventory (2006), and the addition of implementation measures intended to provide a greater understanding of the County's emissions status.

Pursuant to Section 8203 (g) of the Title 3, Division 8, Chapter 1 of the California Code of Regulations, beginning January 1, 2022, CDFA will require cultivation applicants to disclose the greenhouse gas emission intensity (per kWh) of their utility provider and show evidence that the electricity supplied is from a zero net energy source.

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Discussion

- (a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
- (b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

As discussed in Section VI, the project would result in inefficient or wasteful energy use which would contribute to higher greenhouse GHG emissions and by nature is in conflict with state and local plans for the reduction of GHG emissions, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. As shown in Table 9 (see Energy), the project would exceed the SLOAPCD bright-line threshold of 1,150 MT CO₂e/year. Mitigation is required to reduce or offset the project's GHG emissions. Potential impacts would be less than significant with mitigation.

Conclusion

The project is expected to exceed the Bright Line threshold of significance for greenhouse gas emissions. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8305 relating to Renewable Energy Requirements:

Beginning January 1, 2023, all indoor, tier 2 mixed-light license types of all sizes, and nurseries using indoor or tier 2 mixed-light techniques, shall ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program, division 1, part 1, chapter 2.3, article 16 (commencing with section 399.11) of the Public Utilities Code.

Compliance with the provisions of Code of Regulations together with recommended mitigation measures ENG-1, ENG-2, and ENG-3 will reduce potential impacts to less than significant.

Mitigation

ENG-1, ENG-2 and ENG-3 provided in Section VI. Energy Sources

See Exhibit A.

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IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Setting

To comply with Government Code Section 65962.5 (known as the “Cortese List”) the following databases/lists were checked in June 2019 for potential hazardous waste or substances occurring at the project site:

- List of Hazardous Waste and Substances sites from Department of Toxic Substances Control (DTSC) EnviroStor database
- List of Leaking Underground Storage Tank Sites by County and Fiscal Year from Water Board GeoTracker database
- List of solid waste disposal sites identified by Water Board with waste constituents above hazardous waste levels outside the waste management unit
- List of “active” Cease and Desist Orders (CDO) and Cleanup and Abatement Orders (CAO) from Water Board
- List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by DTSC

The database review concluded that the project site is not located in an area of known hazardous material contamination.

According to CalFire’s San Luis Obispo County Fire Hazard Severity Zone map, the project site is in a State Responsibility Area for fire service, and a ‘moderate’ fire severity risk area. The closest fire station to the project site is CalFire Station 20 in Nipomo, which is approximately one mile to the northeast. According to the General Plan Safety Element Emergency Response Map, the average emergency response time to the project site is 5 – 10 minutes (San Luis Obispo County 1999).

The project is not within an Airport Review Area. The closest airport to the site is the Oceano Airport which is located approximately 8 miles to the north west. The schools nearest the project site are located within the community of Nipomo, approximately 2 miles to the west.

Discussion

- (a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Construction activities may involve the use of oils, fuels, and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by DTSC (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations. In addition, compliance with best management practices (BMPs) for the use and storage of hazardous materials would also address impacts. These BMPs may include, but are not limited to, the following:

- Determining whether a product constitutes a hazardous material in accordance with federal and state regulations;
- Properly characterizing the physical properties, reactivity, fire and explosion hazards of the various materials;
- Using storage containers that are appropriate for the quantity and characteristics of the materials;

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- Properly labeling of containers and maintaining a complete and up to date inventory;
- Ongoing inspection and maintenance of containers in good condition;
- Proper storage of incompatible, ignitable and/or reactive wastes;

Project operations would involve the intermittent use of small amounts of hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous. In accordance with LUO Section 22.40.050.C.3. all applications for cannabis cultivation must include a list of all pesticides, fertilizers and any other hazardous materials expected to be used, along with a storage and hazardous response plan. In addition, all approved cannabis cultivation operations employing the use of pesticides must obtain the appropriate pesticide use permitting from the Department of Agriculture / Weights and Measures. Accordingly, pesticide and fertilizer usage will be conducted according to the County of San Luis Obispo Department of Agriculture by obtaining an Operator Identification Number and complying with all application, reporting, and use requirements. Fertilizers and pesticides will be stored in separate, locked seatrain storage containers within the securely fenced area. Products used onsite will be stored in small containers within spill containment bins.

As discussed in the Setting above, the project site is not found on the 'Cortese List' (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5). The project is not expected to conflict with any regional emergency response or evacuation plan.

- (b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Implementation of the required hazardous materials storage and response plan will ensure potential impacts associated with upset and accidents will be less than significant.

- (c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Based on the project description, the project is not located within one-quarter mile of a school.

- (d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

As discussed above, the project is not located on a site included on the list compiled pursuant to Government Code Section 65962.5.

- (e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

The project is not located within an area governed by an Airport Land Use Plan or within two miles of a public airport.

- (f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Based on the project description and location, the project is not expected to interfere with an adopted emergency response plan or emergency evacuation plan.

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- (g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

The project is located within a State Responsibility Area but is not located within a “very high” severity risk area which could present a significant fire safety risk. The proposed project was reviewed by CalFire. Per the letter from CalFIRE of July 12, 2018, (Dell Wells, Fire Captain), the applicant will be required to prepare a fire safety plan for review and approval prior to occupancy.

Conclusion

The project will not result in significant impacts associated with hazards or hazardous materials. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Sections 8304 (f) and 8307 (b) require compliance with Department of Pesticide Regulations.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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X. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Setting

Grading, drainage and sedimentation and erosion control plans are required for all construction and grading projects (LUO Sec. 22.52.100, 110 and 120). When required, these plans are prepared by a civil engineer to address both temporary and long-term drainage, sedimentation and erosion impacts.

DRAINAGE – The project site consists of flat to gently rolling terrain. The areas of disturbance are located in a flat area south of existing groves of citrus orchards. As discussed in Section 3. Biological Resources, the project site is crossed by a series of ephemeral and blue line drainages; however, all project-related facilities will be located a minimum of 500 feet from the top of bank of the nearest drainage.

The project site is not located within a 100-year flood hazard area.

SEDIMENTATION AND EROSION – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.110) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

WATER DEMAND – The project site is served by one existing well that has historically served the property for the residential, citrus cultivation, and registered cannabis cultivation.

County Land Use Ordinance (LUO) Section 22.40.050 C.1. requires all applications for cannabis cultivation to include a detailed water management plan that discusses the proposed water supply, conservation measures and any water offset requirements. In addition, Section 22.40.050 D. 5. requires that a cultivation project located within a groundwater basin with a Level of Severity III (LOS III) provide an estimate of water demand prepared by a licensed professional or other expert, and a description of how the new water demand will be offset. For such projects, the water use offset ratio is 1:1. If the project is within an Area of Severe Decline the offset requirement is 2:1, unless a greater offset is required by the review authority through the permit review process.

The project site is located on the fringe of the Santa Maria Groundwater Basin (LOS III Basin) but is not located within the basin as determined by the February, 2019 Final Groundwater Basin Boundary Modifications published by the California Department of Water Resources. The project is not located within an Area of Severe Decline. Therefore, no water use offset is required.

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Discussion

- (a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

The project will result in 1.5 acres of disturbance but will not require extensive grading or cut and fill. The project will be conditioned to provide final grading, erosion and sedimentation control plans for review and approval prior to building permit issuance as required by LUO Sections 22.52.100, 1106 and 120. According to the Public Works Department (David Grimm, October, 25, 2018) the project is located within a drainage review area and a drainage plan will be required at the time of building permit review. The project will disturb more than 1.0 acres and will therefore be required to enroll in coverage under California's Construction General permit.

- (b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

A 4-hour pump test completed in April 2018 determined a measured flow rate of 364 gallons per minute. Citrus cultivation covers approximately 11 acres of the site. With a water demand factor of 2.3 acre feet per year per acre (AFY), the existing citrus growing operation uses an estimated 25.3 AFY.

The project provides the following estimate of existing and projected water demand prepared by the applicant:

Table 10 – Projected Water Demand

Use	Water Demand Factor	Area	Days/Year	Gallons Per Year	Ace-Feet per Year
Vegetables	1.9 acre-feet per year per acre per year	2.48 acres	365	1,540,363	4.73
Total Existing Demand¹				1,540,363	4.73
Indoor Cultivation	0.1	22,000 sq.ft.	270	594,000	1.76
Indoor Nursery	0.1	14,000 sq.ft.	270	378,000	1.13
Outdoor Nursery	0.03	7,520 sq.ft.	270	60,912	0.10
Outdoor Cultivation	0.03	130,560 sq.ft.	270	1,057,536	1.80
Total Future Demand:				1,408,040	4.79
Net Change In Water Demand:					0.06

Notes:

1. Water demand of agricultural activities associated with the areas proposed for cannabis activities.

As shown in Table 10, water demand associated with the project site will be offset by the removal of irrigated row crops. Water use is required to be metered and these data will be provided to the County every three months (quarterly). Should the metered water demand exceed the permitted quantity (4.79 AFY), the permittee will be required to undertake corrective measures to bring water demand back to within the permitted amount. In addition, the project will be conditioned to apply

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Best Management Practices for water conservation to maintain water use at or below the water analysis projections as described in the applicant's Water Management Plan. Such BMPs include, but are not limited to, the following:

- The use of drip irrigation systems and mulch to conserve water and soil moisture;
- Ongoing monitoring and maintenance of the water supply system;
- Installation of float valves on tanks to prevent tanks from overflowing;
- Installation of rainwater catchment systems to reduce demand on groundwater.

The conditions of approval will also require the project to participate in the County's ongoing cannabis monitoring program to ensure compliance with all conditions of approval and other relevant regulations.

- (c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*
- (c-i) *Result in substantial erosion or siltation on- or off-site?*
 - (c-ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*
 - (c-iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*
 - (c-iv) *Impede or redirect flood flows?*

The project will be conditioned to provide final grading, erosion and sedimentation control plans for review and approval prior to building permit issuance as required by LUO Sections 22.52.100, 110 and 120.

The project site is not located within a 100-year flood plain and the amount of increased impervious surfaces is not expected to exceed the capacity of stormwater conveyances or increase downslope flooding.

Lastly, as discussed in Section 4. Biological Resources, mitigation measure BIO-6 requires the implementation of Best Management Practices to protect federal and state water from erosion and sedimentation that may be associated with construction and ongoing operations. Such BMPs may include, but are not limited to, the following:

- Minimize disturbed area and protect natural soil.
- Provide temporary cover for disturbed areas that are not being worked on.
- Divert runoff away from unprotected slopes or loose soils.
- Use mats, geotextiles, and erosion control blankets to protect slopes.
- Control the perimeter with silt fences and fiber rolls.
- Install a sediment basin, check dams, or vegetative buffer strips.
- Roughen the surface of a road with gravel.
- Protect ditches and inlet/outlet from erosion with rock armour.
- Plan and design new roads away from watercourses.
- Design roads to allow for sheet flow and use water bars and rolling dips to break up slope length.
- Inspect roads, slopes, and culverts regularly.

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- (d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

As discussed in the project description, the project site is not located within a 100-year flood hazard area. The project site is located approximately 7 miles inland from the Pacific Ocean and is not within an area of potential tsunami hazard.

- (e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The project will be conditioned to comply with relevant provisions of the CCRWQCB Basin Plan.

Conclusion

The project will result in less than significant impacts associated with water supply, water quality and hydrology. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. Section 8304 (a) and (b) require compliance with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife, and compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code;

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County LUO, South County Area Plan, SLOAPCD CEQA Handbook, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., County Fire/CAL FIRE for Fire Code, SLOAPCD for Clean Air Plan, etc.).

The proposed project is subject to the following Planning Area Standard(s) of the South County Area Plan, South County Sub-Area:

- Compliance with Countywide Design Plan when adopted.
- Protection of groundwater recharge areas.
- Public right-of-way dedications.
- Areawide circulation linkages.
- Provision of equestrian, pedestrian and bike paths in new development
- Limitations on use, Nipomo and Santa Maria Valley

Discussion

(a) *Will the project physically divide an established community?*

Based on the project description, it will not divide an established community.

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- (b) *Will the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

Cannabis activities, such as those contemplated by this project, are allowed in the Agriculture land use category subject to the relevant provisions of LUO Section 22.40. The project, as it may be conditioned, is consistent with the LUO and with the applicable Planning Area Standards of the South County Area Plan, South County Sub-area.

Conclusion

The project, as it may be conditioned, is consistent with relevant adopted plans and policies.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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XII. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

Mineral products historically produced in the county have included petroleum, natural gas, mercury, gypsum, sand and gravel, construction stone, and clay.

Discussion

- (a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- (b) *Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

The project site does not include any of the formally recognized areas potentially available for resource extraction, as shown on the South County Planning Area Rural Combining Designation Map.

Conclusion

The project will have no effect on the availability of mineral resources.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The existing ambient noise environment is characterized by intermittent vehicle noise from traffic on surrounding roadways and from agricultural activities surrounding the project site. Noise-sensitive land uses typically include residences, schools, nursing homes, and parks. The nearest existing noise-sensitive land use are residences located approximately 1,200 feet to the south and west.

The project is subject to the County's standards for exterior noise provided in LUO Section 22.10.120 (Table 11). Section 22.10.120 B. sets forth standards that apply to sensitive land uses that include (but are not limited to) residences.

Table 11 -- Maximum Allowed Exterior Noise Level Standards

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime ¹ 10 pm. To 7 a.m.
Hourly Equivalent Sound Level (Leq, dB)	50	45
Maximum Level, dB	70	65

1. Applies only to uses that operate or are occupied during nighttime hours.

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Discussion

- (a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Temporary (Construction Related) Noise. Project construction activities will generate short-term construction noise. Noise generated during the construction period would be temporary in nature and limited to the daytime hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday or Sunday, in accordance with County construction noise exception standards (LUO 22.10.120 A.). Due to its limited duration and compliance with construction time limits set out in the LUO, project construction would not conflict with surrounding uses or nearby noise-sensitive receptors.

Permanent Operational Noise. The proposed project does not include any features that would generate a permanent or consistent source of stationary noise during operation. The project would generate approximately 30 average daily trips, which is consistent with surrounding rural residential and agricultural land uses in the area.

Noise associated with the use of wall- or roof-mounted HVAC and odor mitigation equipment associated with the proposed 45,000 sq.ft. greenhouse and processing building would be expected to generate noise levels of approximately 65 dBA at distance of 25 feet from the source. Noise attenuates (diminishes) at a rate of 6 dB per doubling of distance. Therefore, project related noise sources producing 65 dB at 25 feet will be perceived to produce about 37 dB at the nearest property line, assuming a distance of 581 feet from the proposed greenhouse. The resulting noise is anticipated to be below the maximum allowable nighttime level (65 dB) and below the hourly average equivalent noise level.

After completion of the construction period, the project would not generate loud noises or conflict with surrounding uses; therefore, impacts related to temporary increases in ambient noise and exposure of people to severe noise or vibration would be less than significant.

- (b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

The project does not propose pile driving or other high impact activities that would generate substantial groundborne noise or groundborne vibration during construction.

- (c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The project is not located within a designated Airport Review Area and there are no active private landing strips within the vicinity. Therefore, impacts associated with proximity to an airport or airstrip would be less than significant.

Conclusion

No significant long-term change in noise levels would occur. Short-term construction-related noise would be limited in nature and duration and would only occur during appropriate daytime hours. Therefore, potential noise impacts would be *less than significant* and no mitigation is required.

Initial Study – Environmental Checklist

Mitigation

None are required.

Sources

See Exhibit A.

XIV. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

In its efforts to provide for affordable housing, the County currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

Discussion

- (a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
- (b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The project proposes cannabis activities that would employ up to 7 people full-time, and 4 additional people during the harvest. The small number of full-time workers and the seasonal nature of proposed cannabis activities are not expected to generate the need for new or additional housing. The general scope and scale of the proposed activities would not directly or indirectly induce substantial population growth in the area and would not result in a need for a significant amount of new housing nor displace any housing in the area. In addition, the project would be subject to

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inclusionary housing fees to offset any potential increased need for housing in the area. Therefore, impacts to housing and population would be *less than significant*.

Conclusion

No significant population and housing impacts would occur as a result of the proposed project.

Mitigation

None are required.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XV. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

Fire Protection. Fire protection and emergency medical services are provided by County Fire/Cal Fire. The Nipomo Fire Station (Station 20), located at 450 Pioneer Street serves Nipomo and nearby areas beyond the Urban Reserve Line, providing fire prevention and emergency medical services. Traditionally, one of the busiest fire stations in the county, Station 20 has a large and varied response area that has seen substantial growth over the past five years. Nipomo firefighters respond to incidents from the Nipomo core village, along a large stretch of Highway 101 from the Santa Maria river bridge north to the City of Arroyo Grande, and east through the Highway 166 corridor. For most calls, Cal Fire response times are about 5 to 10 minutes. The response times are within the performance standards as outlined in the Cal Fire/San Luis Obispo County Strategic Plan.

Law Enforcement. The Nipomo Valley relies on the County Sheriff and the California Highway Patrol for police protection services. The primary station serving the community is the Sheriff's coast station, located at 1681 Front Street in the community of Oceano, about 8 miles to the northwest. The Sheriff's substation in Oceano serves a large geographic area that extends from Avila Beach to the Santa Barbara County line. Response times for the Sheriff's office vary, based on allocated personnel, existing resources, time and day of week and prioritized calls for law enforcement services. Response times to the project site are expected to be 5 – 10 minutes.

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Other services, including investigative and emergency dispatch services, are provided at the County Operations Center on Kansas Avenue, midway between Morro Bay and San Luis Obispo near Highway 1. Additional police protection services are provided by the California Highway Patrol (CHP). The nearest Highway Patrol office is located near the California Boulevard-Highway 101 interchange in San Luis Obispo.

Schools. The Nipomo Valley is served by the Lucia Mar Unified School District.

Solid Waste. Collection and recycling services within the Nipomo area transport solid waste to Cold Canyon Landfill at 2268 Carpenter Canyon Road, between the cities of San Luis Obispo and Arroyo Grande.

At Cold Canyon Landfill, waste is processed at the Resource Recovery Park (RRP) and Materials Recovery Facility (MRF). The landfill does not compost, but green waste and wood waste are processed (chipped/ground) for either use as cover for the working face of the landfill, or being hauled to another out-of-county facility. Commercial operations that use roll-off services and/or construction and demolition waste removal services may choose any permitted hauler.

A public facility fee program (i.e., development impact fee program) has been adopted to address impacts related to public facilities (county) and schools (State Government Code 65995 et seq.). Fees are assessed annually by the County based on the type of proposed development and proportional impact and collected at the time of building permit issuance. Fees are used as needed to finance the construction of and/or improvements to facilities required to serve new development.

Discussion

- (a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

Fire protection?

The project will be conditioned to comply with all fire safety rules and regulations including the California Fire Code and Public Resources Code prior to issuance of building permits. The project was reviewed by County Fire/CAL FIRE and a referral response letter was received (July 12, 2018, Dell Wells, Fire Captain), which describes requirements for the applicant to implement to comply with County Fire/CAL FIRE standards. Based on the limited amount of development proposed, the project would not result in a need for new or altered fire protection services. In addition, the project would be subject to development impact fees to offset the project's contribution to demand for fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding fire hazard impacts is discussed in Section 7, Hazards and Hazardous Materials.

Police protection?

The applicant has prepared a Security Plan which is subject to the review and approval of the County Sheriff's Department. The project will be conditioned to implement the security measures and protocols in the Security Plan as well as with any additional recommendation or requirements provided by the County Sheriff's Office. In addition, the project will be subject to development impact fees to offset the project's contribution to the cumulative demand on law enforcement services. Therefore, impacts related to police services would be *less than significant*.

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Schools?

Parks?

Other public facilities?

Based on the project description, the project is not expected to generate additional population to the area that would require the construction of additional schools, parks or other public facilities.

Conclusion

Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less-than-significant levels. No significant public services/utility impacts would occur as a result of the proposed project; therefore, no mitigation measures are necessary.

Mitigation

No additional mitigation measures are required.

Sources

See Exhibit A.

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XVI. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project will be located on a privately-owned parcel that would support cannabis activities and would not be open to the general public. The County's Parks and Recreation Element does not show a potential trail corridor on the project site.

Discussion

- (a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*
- (b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The project proposes cannabis activities within a semi-rural area and would employ up to 7 people full-time and 4 seasonal workers during the harvest. The small number of full time workers and the seasonal nature of proposed cannabis activities are not expected to increase the demand on existing or planned recreational facilities in the County. The project is not proposed in a location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area.

Conclusion

The project would not induce population growth or create a significant need for additional park or recreational facilities; therefore, *no impacts would occur*.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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XVII. TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The County has established Level of Service (LOS) "C" or better for rural roadways. The project site currently has one residence and generates a very low volume of traffic.

The project site is located at the intersection of Rancho Road and South Dana Foothill Road. The project will be accessed from Rancho Road, a rural collector serving a small number of ranches east of the community of Nipomo. Traffic counts taken on Rancho Road in 2016 revealed an afternoon peak hour volume of 29 vehicles; counts taken on S. Dana Foothill Road in 2014 showed an afternoon peak hour volume of 12 vehicles. South Dana Foothill Road dead-ends about 1/8 mile south of the intersection with Rancho Road and is unpaved to the north. Traffic speeds in the vicinity of the project site vary but are generally 30 - 40 miles per hour.

A referral was sent to Public Works to assess the project's traffic impacts and compliance with County driveway standards. The project is subject to the South County Area 1 Road Improvement Fee which addresses cumulative impacts to County roads in the area.

Discussion

- (a) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Construction Impacts. Construction related traffic will increase during the morning and afternoon peak hours on Rancho Road. Based on the project description, it is expected that as many as 3 workers may be arriving and leaving the project site on a typical construction work day. Assuming 3 PM peak hour trips on Rancho Road, traffic will increase by less than 1% per day for a construction timeframe of one to two months. The temporary increase in traffic on Rancho Road will not reduce

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the level of service which will remain within the standard set by the General Plan Circulation Element.

Operational Impacts

Roadway Capacity. A trip generation study was provided for the project (Orosz Engineering, September 4, 2018). The study estimates that the project would generate 0 peak hour trips using ITE trip generation rates for greenhouses and manufacturing.

The project was referred to the Public Works Department. Their response letter of October 25, 2018, recalculates the trip generation associated with the project based on the County's trip generation rates derived for cannabis operations. Using these factors, the project is expected to generate 12 average daily trips and 1.2 peak hour trips. The additional 1.2 PM peak hour trips on Rancho Road will increase the traffic volume by less than 1% per day. The increase in traffic will not reduce the level of service which will remain within the standard set by the General Plan Circulation Element.

The project does not conflict with adopted policies, plans and programs on transportation.

(b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

The project will not be inconsistent with CEQA Guidelines Section 15064.3 which sets forth criteria for analyzing transportation impacts by applying a threshold of significance based on vehicle miles traveled.

(c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The project poses no significant traffic safety concerns. There is a clear line of sight in both directions at the Rancho Road project entrance.

(d) *Result in inadequate emergency access?*

Based on the project description and project location, adequate emergency access can be provided to the project site and surrounding properties.

Conclusion

No project specific significant traffic impacts were identified, but the project is subject to the Los Osos Area Road Improvement Fee. Payment of the required fee will reduce transportation and circulation impacts to less than significant levels.

Mitigation

TR-1 **Prior to commencing permitted activities**, and in accordance with Title 13.01 of the County Code, the applicant shall pay to the Department of Public Works the South County Area 1 Road Improvement Fee based on the latest adopted area fee schedule and 1.2 peak hour trips based on the County's trip generation estimates. The estimated fee is \$6,159 (\$5,133/pht x 1.2 pht). The fee schedule is subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of payment.

Sources

See Exhibit A.

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XVIII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

In July, 2015, the legislature added the new requirements to the CEQA process regarding tribal cultural resources in Assembly Bill 52 (Gatto, 2014). By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process.

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Discussion

- (a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*
- (a-i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*
 - (a-ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

There are no resources on the project site listed, or eligible for listing, in the California Register of Historic Resources, or in a local register of historical resources. Based on the Phase I archaeological investigation performed for the project site, there are no significant resources on the project site within the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

Lastly, In accordance with AB 52 cultural resources requirements, outreach to numerous Native American tribes has been conducted: Santa Ynes Band of Chumash Indians, Barbareno/Ventureno Band of Mission Indians, Monterey Salinan, Xolon Salinan, yak titvu titvu yak titihini Northern Chumash, Coastal Chumash, and Northern Chumash Tribal Council. No significant resources within the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 relating to the significance of the resource to a California Native American tribe were identified.

In an e-mail of June 26, 2018, the Norther Chumash Tribal Council requested copies of any record searches or archaeological reports prepared for the project site.

Conclusion

The project will have a less than significant impact on tribal cultural resources. No archaeological monitoring is recommended during grading activities unless previously undiscovered cultural materials are unearthed during project grading or construction. Per County of San Luis Obispo Land Use Ordinance Section 22.10.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area should be halted immediately within 10 feet of the find until the find can be examined by a qualified archaeologist and appropriate recommendations made. No significant impacts to cultural resources are expected to occur and no additional mitigation measures are necessary.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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XIX. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The setting for water supply is discussed in Section X. Hydrology. The project site is served by an on-site septic leach field.

Discussion

- (a) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

Based on the project description, no significant new water supply or wastewater facilities will be required to serve the project.

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- (b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

Water for the project site will be provided by an on-site well (see Section X. Hydrology). Based on a pump test performed in 2018, the well produces sufficient water to serve the intended cannabis uses.

- (c) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Not applicable. Wastewater disposal will be accomplished by an existing on-site septic system.

- (d) *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Cold Canyon Landfill provides solid waste disposal for the Nipomo area. Currently, the maximum permitted throughput to the landfill is limited to 1,650 tons per day (CalRecycle 2016). However, the Cold Canyon Landfill recently received approvals from the County and the state in 2013 to allow continued waste expansion and disposal operations through 2040. With planned expansions through 2040, the maximum total throughput would increase to 2,050 tons (City of San Luis Obispo 2014). The landfill has a design capacity of 23,900,000 cubic yards (cy) and a remaining capacity of 14,500,000 cy, or 60.7 percent which is more than enough to serve the project. The project will recycle and compost greenwaste before disposal.

- (e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

The project will be operated consistent with applicable federal, state and local solid waste management and reduction regulations.

Conclusion

No significant impacts to utilities and service systems are expected. In addition, State law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. All projects are required to comply with the waste management provisions set forth in Section 8308.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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XX. WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project site is located in an area with a “Moderate” fire hazard as determined by CalFIRE. The surrounding properties are engaged in irrigated agriculture and grazing that pose a relatively low risk for wildfire.

Discussion

(a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

Based on the project description and location, the project is not expected to impair an adopted emergency response plan or evacuation plan.

(b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

The prevailing winds on the project site are from the north and west during the daytime hours and slightly eastward (offshore) at night. A wildfire originating to the west could expose project occupants to pollutant concentrations associated with smoke. However, given the nature of the

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surrounding land uses and the moderate risk of wildfire, the project is not expected to exacerbate wildfire risks.

- (c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

The project was reviewed by CalFIRE for conformance with relevant fire protection standards. The project is not expected to require any fire protection infrastructure other than that required by the California Building Code and the Uniform Fire Code. The recommendations of CalFIRE will be incorporated as conditions of approval.

- (d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

Based on the project description, the project is not expected to expose people or structures to significant risks associated with post-fire conditions.

Conclusion

The project is expected to have a less than significant impact relating to wildfire risk.

Mitigation

No mitigation measures are required.

Sources

See Exhibit A.

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The setting is provided in each of the topical sections of this Initial Study.

Discussion

- (a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

As discussed in each of the preceding topical sections, the project would result in potentially significant impacts to biological resources, but would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or

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endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Compliance with mitigation measures BIO-1 through BIO-6 would mitigate potential direct and indirect impacts to special-status species, and nesting birds.

- (b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

The State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." Section 15355 of the CEQA Guidelines further states that individual effects can be various changes related to a single project or the change involved in a number of other closely related past, present, and reasonably foreseeable future projects. The discussion of cumulative impacts must reflect the severity of the impacts as well as the likelihood of their occurrence. However, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. Furthermore, the discussion should remain practical and reasonable in considering other projects and related cumulatively considerable impacts. Furthermore, per State CEQA Guidelines, Section 15130 (a) (1), an EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.

The State CEQA Guidelines allow for the use of two different methods to determine the scope of projects for the cumulative impact analysis:

- List Method - A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency (Section 15130).
- General Plan Projection Method - A summary of projections contained in an adopted General Plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact (CEQA Guidelines §15130).

This MND examines cumulative effects using both the List Method and the General Plan Projection method to evaluate the cumulative environmental effects of the project within the context of other reasonably foreseeable cannabis projects and regional growth projections.

Existing and Reasonably Foreseeable Cannabis Activities

In 2016, the County estimated that there were as many as 500 unpermitted (illegal) cannabis cultivation sites within the unincorporated county. Assuming one-half acre per site, the canopy associated with these activities could be as high as 250 acres.

Table 12 provides a summary of the total number of cannabis activities that the County has either approved or has received an application as of the date of this initial study. As shown on Table 12, the County has received applications for a total of 115 cultivation sites (including indoor and outdoor) with a total canopy of 330 acres. Under the County's cannabis regulations (LUO Sections 22.40. et seq. and CZLUO Section 22.80 et seq.), the number of cultivation sites allowed within the unincorporated county is limited to 141, and each site may have a maximum of 3 acres of outdoor canopy and 22,000 sq.ft. (0.5 acres) of indoor canopy. Therefore, if 141 cultivation sites are

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ultimately approved, the maximum total cannabis canopy allowable in the unincorporated county will be 493 acres (141 sites x 3.5 acres of canopy per site = 493 acres).

Table 12 -- Summary of Cannabis Activities for Unincorporated San Luis Obispo County¹

Project Type	Total Number of Cannabis Activities ²	Canopy (acres)	Approved
Indoor Cultivation	115	89	10
Outdoor Cultivation		241	10
Total Cultivation:	115	330	20
Nursery	43	--	3
Processing	9	--	0
Manufacturing	25	--	6
Non-Storefront Dispensary	30	--	6
Distribution	7	--	0
Transport Only	4	--	0
Laboratory	1	--	1
Total:	234	330	36

Notes:

1. As of the date of this initial study.
2. Total number of all cannabis activities for which an application has been submitted to the County to date. A project site may include multiple cannabis activities.

Figure 1 shows the project site along with other approved and proposed cannabis activities in the region.

For purposes of assessing the cumulative impacts of cannabis cultivation activities, the following assumptions are made:

- All 115 cultivation sites will be approved and developed;
- Each cultivation site will be developed as follows:
 - 3 acres of outdoor cultivation;
 - 0.5 acres of indoor cultivation;
 - 19,000 sq.ft. of ancillary nursery;
 - A total area of disturbance of 6.0 acres to include the construction of one or more buildings to house the indoor cultivation, ancillary nursery and processing;
 - A total of six full-time employees;
 - A total of six average daily motor vehicle trips;
 - All sites will be served by a well and septic leach field;

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Aesthetic and Visual Resources

The analysis provided in Section I. Aesthetic and Visual Resources provides an overview of the visual setting and concludes that the potential project-specific impacts will be less than significant with mitigation recommended for light and glare. Since project-specific impacts to visual and aesthetic resources is less than significant, the impacts to aesthetic and visual resources of this project, when considered with the potential impacts of other reasonably foreseeable development in the area, is less than cumulatively considerable.

Agricultural Resources

Table 13 provides a summary of the potential impacts to important farmland from cannabis cultivation applications as of the date of this MND based on the following assumptions:

- All of the applications are approved;
- Each site is developed with 3 acres of outdoor cultivation, 0.5 acres of indoor cultivation, plus another one acre of disturbance associated with additional buildings for processing, areas devoted to access roads, water storage, and other miscellaneous support facilities;
- Cultivation sites often have multiple soil types with different qualities of farmland. For this analysis, the number of cultivation sites impacting a particular important farmland classification is assumed to be directly proportional to the total acreage for the classification. For example, *Prime Farmland* is about 16% of the total acreage potentially impacted by the approved and currently active cultivation applications. Therefore, the number of cultivation sites assumed to impact Prime Farmland is: $115 \times .16 = 19$ sites.

Table 13 – Cumulative Impacts to Important Farmland Associated With Approved and Reasonably Foreseeable Cannabis Cultivation Projects

Farmland Classification	Total Acres for All Cultivation Projects By Farmland Classification	Percent of Total Acres	Number of Applications for Cultivation	Number of Cultivation Sites By Farmland Classification	Potential Area of Disturbance (Acres)
Prime Farmland if Irrigated	1,365.50	16%	115	19	85.0
Farmland of Statewide Importance	1,142.69	14%	115	16	71.10
Not Prime Farmland/ Not Mapped	5,803.60	70%	115	80	361.32
Total:	8,312.00	--	--	115	517.50

Source: NRCS Soil Survey, 2019

The analysis provided in Section II. Agricultural Resources, indicates that the project will result in the permanent conversion of 0.37 acres of important farmland. However, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential impacts to important farmland is considered less than cumulatively considerable because:

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- As shown in Table 5 of Section II, Agricultural Resources the total acreage of prime farmland impacted by the project (about 0.37 acres) is less than 0.002 percent of the prime farmland in the county. Moreover, the county has seen a net increase in the acreage of prime farmland each year since 2006.
- As shown in Table 13, the total acreage potentially of prime farmland impacted by approved and reasonably foreseeable cannabis cultivation projects in the unincorporated county (about 98 acres) is less than the average annual increase in the total amount of prime farmland experienced each year in the County since 2006.
- Agricultural activities on the remainder of the project site would be unaffected by the proposed cannabis activities.

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related and operational emissions will fall below APCD thresholds of significance for both project-related and cumulative impacts. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential impacts to air quality are considered less than cumulatively considerable.

Biological Resources

The analysis provided in Section IV., Biological Resources, concludes that the project will have a less than significant impact so long as the recommended avoidance and mitigation measures for site maintenance, pre-construction surveys to avoid listed plant and animal species, and avoidance of wetlands are incorporated into the project description. Because project impacts will have a less than significant impact with mitigation, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts are considered less than cumulatively considerable.

Energy Use

Cannabis cultivation typically uses an insignificant amount of natural gas. Accordingly, this assessment of cumulative impacts is based on the demand for electricity. The analysis provided in Section VI., Energy, states that the project will increase the demand for electricity by as much as 5,200,000 kWh per year.

Electricity. Table 14 provides a summary of total electricity demand associated with development of all 115 previously approved and currently-active cannabis cultivation projects. The summary was derived using the CalEEMOD computer model used by the California Air Resources Board and assumes all 115 sites are developed with the maximum allowable canopies: 3 acres for outdoor cultivation and 22,000 sq. ft. for indoor cultivation.

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Table 14 – Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects

Land Use	Total Electricity Demand From Current Cannabis Cultivation Projects ¹ (Kilowatt Hours/Year)	Total Electricity Demand (Gigawatt Hours/Year)	Electricity Consumption In San Luis Obispo County in 2018 ² (Gigawatt Hours)	Total Demand In San Luis Obispo County With Cannabis Cultivation (Gigawatt Hours/Year)	Percent Increase Over 2018 Demand
Outdoor Cultivation	184,259,000	184			
Indoor Cultivation	620,400,000	620			
Total:	804,659,000	804	1,765.9	2,569	45%

Notes:

1. Source: CalEEMOD 2016 v.3.2. Assumes 115 cultivation projects with 3.5 acres of cannabis canopy.
2. Source: California Energy Commission, 2019.

Table 14 indicates that electricity demand in San Luis Obispo County could increase by as much 45% if all 115 cultivation projects are approved and constructed. Table 15 shows the percent increase in the projected 2030 demand throughout PG&E's service area for electricity, assuming all 115 cultivation projects are approved and implemented.

Table 15 – Projected Demand for Electricity From Approved and Reasonably Foreseeable Cannabis Cultivation Projects Compared With Projected 2030 Demand

Increased Electricity Consumption In San Luis Obispo County With 115 Cannabis Cultivation Projects ¹ (Gigawatt Hours)	804
Projected 2030 Demand ²	33,784
Percent Increase in 2030 Demand With Cannabis Cultivation	2.4%

Notes:

1. Source: CalEEMOD 2016 v.3.2. Assumes 115 cultivation projects with 3.5 acres of cannabis canopy.
2. Source: Pacific Gas and Electric, 2018, Integrated Resource Plan. PG&E is required by State law (the Renewable Portfolio Standard) to derive at least 60% percent of their electricity from renewable sources by 2030. These sources are "bundled" and offered for sale to other Load Serving Entities (utility providers).

Without mitigation, the project's contribution to the increased demand for electricity, when considered with the growth of demand in other parts of the PG&E service area for electricity, would be considered wasteful and inefficient and cumulatively considerable. However, Mitigation ENER-1 requires the applicant to provide an Energy Conservation Plan demonstrating a reduction in overall energy use from the project and/or the offset of project-related energy use to achieve a resulting energy demand that is within 20% of a typical commercial building of comparable size that employs

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Title 24 energy efficiencies. With implementation of mitigation ENER-1 cumulative impacts associated with energy use will be not be wasteful and inefficient and less than cumulatively considerable.

Fuel Use

Assumptions:

- The most recent estimate of total vehicle miles travelled (VMT) for the County is from 2013 at which time total VMT per day was estimated to be 7,862,000. Assuming a 1% annual growth in VMT during the intervening six years, the current (2019) VMT is estimated to be about 8,333,720.
- 172 million gallons of fuel consumed per year / 365 days = 471,232 gallons of fuel use per day
- 471,232 gallons of gasoline and diesel fuel consumed per day / 8,333,720 miles travelled per day = 0.056 gallons of fuel consumed per day per mile travelled
- Average Daily Trips (ADT) for Project x 14.7 miles = Daily Vehicle Miles Travelled (VMT)
- Daily VMT x gallons per mile travelled = Daily gallons of fuel use
- Three worker trips and 1 delivery trip per day for construction activities for 10 working days
- 12 Average Daily Trips for operations for 365 days

Construction Fuel Use

4 ADT x 14.7 miles x 115 projects = 6,762 VMT per day

6,762 VMT x 10 days = 67,620 total VMT

67,630 x 0.056 gallons consumed per mile travelled = 3,787 gallons

Operational Fuel Use

51,326 VMT per day for all 115 projects combined (see Table 18)

18,733,260 total VMT per year

18,733,260 VMT x 0.056 gallons consumed per mile travelled = 10,490,525 gallons per year

Total fuel use associated with construction and operation of all 115 projects would be about 6% of the total daily fuel consumed in the County in 2018. Accordingly, fuel consumption associated with the project would not be wasteful, inefficient or unnecessary and would not be cumulatively considerable.

Greenhouse Gas (GHG) Emissions

As discussed in Section VII., the project is expected to generate 1,508 metric tons of GHG emissions per year. Using the GHG threshold information described in the Setting section, the project is expected to exceed the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are considered cumulatively considerable unless mitigated. Implementation of recommended mitigation measures ENG-1, ENG-2, and ENG-3 that require completion of an Energy Conservation Plan prepared by a Certified Energy Analyst that identifies strategies to reduce wasteful and inefficient energy use and for reducing or offsetting GHG emissions to reduce project-related GHG emissions to below the 1,150 MTCO₂ per year Bright Line Threshold, will reduce project impacts to less than cumulatively considerable.

Hydrology/Water Demand

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For purposes of assessing the cumulative impact to water supplies, the following assumptions are made:

- All 115 cannabis cultivation projects are approved and implemented;
- All 115 projects derive their water demand from groundwater resources;
- Water demand associated with outdoor cannabis cultivation is assumed to be 0.03 gallons per day per square foot of canopy, and 0.1 gallons per day per square foot of canopy for indoor cultivation and ancillary nursery;
- The growing period for outdoor cultivation and ancillary nursery is assumed to be 270 days; the growing season for indoor cultivation is assumed to be 365 days;
- This analysis assumes no recycling of water;

Table 16 – Total Estimated Water Demand from Cannabis Cultivation

Bulletin 118 Groundwater Basin ¹	Number of Cultivation Projects	Acres	Total Estimated Water Demand From Cannabis Cultivation AF/Year ³
Paso Robles Groundwater Basin ^{4,5}	34 ²	2,525.59	326.11
Carrizo Plain Groundwater Basin	11	469.9	105.51
Pozo Valley Groundwater Basin	2	79.97	19.18
Atascadero Basin	3	185.05	28.77
Los Osos Groundwater Basin ^{4,5}	2	49.29	19.18
San Luis Obispo Valley	3	56.68	28.77
Santa Maria Valley Groundwater Basin ^{4, 5}	8	273.41	76.73
Huasna Valley	1	18.06	10.13
Santa Rosa Valley ⁵	1	8.38	10.13
Sub-Total:	65	3,667.34	624.13
Not Within A Bulletin 118 Groundwater Basin	50	4,654.05	479.57
Total for All Cultivation Sites	115	8,312.00	1,104.08

Notes:

1. Source: California Department of Water Resources Bulletin 118.
2. Includes 661.21 acres (12 projects) in the Area of Severe Decline.
3. Based on the assumptions for development and water demand outlined above.
4. Designated “Critically Overdrafted” groundwater basins by the California department of Water Resources.
5. Designated Level of Severity III by the most recent Resource Management Report.

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As shown in Table 16, 50 cultivation projects are served by groundwater basins designated by the Department of Water Resources Bulletin 118. Two of the nine basins where cultivation is proposed, Los Osos Valley and the Paso Robles Groundwater Basin, are designated as “Critically Overdrafted” by the State. In addition, new development within the Paso Robles and the Santa Maria Valley groundwater basins is subject to the water conservation provisions of Chapter 19.07.042 of the County Code. Prior to issuance of a construction permit for a new structure with plumbing fixtures, the developer of such new structure must obtain an offset clearance from the department of planning and building verifying that new water use has been offset at a 1:1 ratio. Water savings must come from the same groundwater basin as the proposed new development.

Lastly, section 22.40.050 D. 5. requires that a cultivation project located within a groundwater basin with a Level of Severity III (LOS III) as determined by the most recent Resource Management Report must provide an estimate of water demand prepared by a licensed professional or other expert, and a description of how the new water demand will be offset. For such projects, the water use offset ratio is 1:1. If the project is within an Area of Severe Decline the offset requirement is 2:1, unless a greater offset is required by the review authority through the permit review process.

Groundwater basins serving cannabis cultivation that have been designated Level of Severity III include the Paso Robles, Los Osos, Santa Rosa Valley and Santa Maria Valley groundwater basins. As shown in Table 16, there are 45 cultivation projects with a total estimated water demand of 432.15 AFY within groundwater basins that are subject to the 1:1 water use offset requirement. Therefore, the net increase in water demand from cannabis cultivation in these basins is assumed to be zero. There are 20 cultivation sites within groundwater basins that are not subject to the water use offset requirements of Title 19.04 and 50 sites that do not overlie a designated groundwater basin. Therefore, for purposes of assessing the impact of cannabis cultivation on groundwater, the net cumulative water demand on Bulletin 118 groundwater basins is assumed to be 624 AFY – 432.12 = 192.36 AFY.

Table 17 – Total Estimated Water Demand from Cannabis Cultivation From Bulletin 118 Groundwater Basins With No Level of Severity

Bulletin 118 Groundwater Basin ¹	Number of Cultivation Projects	Acres	Total Estimated Water Demand From Cannabis Cultivation AF/Year ³	Total Storage/ Safe Yield	Status of Groundwater Basin
Carrizo Plain Groundwater Basin	11	469.90	105.51	Total storage estimated to be 400,000 AF	No Level of Severity
Pozo Valley Groundwater Basin	2	79.97	19.18	The total storage capacity is estimated at 2,000 AF	No Level of Severity
Atascadero Basin	3	185.05	28.77	Safe Yield estimated to be 16,400 AFY	No Level of Severity
San Luis Obispo Valley	3	56.68	28.77	The total storage capacity is estimated at 10,000 – 22,000 AF	No Level of Severity
Huasna Valley	1	18.06	10.13	No estimate of storage of safe yield	No Level of Severity
Total:	20	809.66	192.36	--	--

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The cumulative impact of water demand associated with cannabis cultivation in Bulletin 118 groundwater basins is expected to be less than cumulatively considerable because:

- Water demand associated with the 45 cannabis cultivation within basins that have been assigned a Level of Severity III by the County's Resource Management System will be offset by a ratio of at least 1:1;
- Water demand associated with cannabis cultivation within groundwater basins without an assigned Level of Severity for water supply are not in a state of overdraft and are expected to meet the estimated demand from urban, rural and agricultural demand for at least 15 years. As shown in Table 17, the marginal demand associated with cannabis cultivation is insignificant in relation to the available storage capacities of these basins;
- Water demand for areas outside of designated groundwater basins will not (by definition) adversely impact groundwater basins.

Noise

Noise associated with HVAC and odor management systems are considered less than significant. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to potential noise impacts is considered less than cumulatively considerable.

Population and Housing

The most recent projection of regional growth for San Luis Obispo County is the 2050 Regional Growth Forecast (RGF) for San Luis Obispo County prepared and adopted by the San Luis Obispo Council of Governments (SLOCOG) in 2017. Using the Medium Scenario, the total County population, housing and employment for both incorporated and unincorporated areas is projected to increase at an average annual rate of 0.50 percent per year. Between 2015 and 2050 the County's population is projected to increase by 44,000, or about 1,260 residents per year. Within the unincorporated area, the population is expected to increase by about 19,500 residents, or about 557 per year. Employment is expected to increase by about 6,441, or about 184 per year.

Cannabis cultivation activities typically employ 6 – 8 full-time workers and up to 12 workers during the harvest. The 2050 employment forecast does not account for employment in the cannabis industry, because of the formerly illegal status of the industry. However, assuming 115 cultivation projects, total employment associated with cannabis cultivation could result in as many as 920 workers. It is most likely that these workers will be sourced from the existing workforce in San Luis Obispo County. If all 920 workers are new residents to the County, it would represent a 2% increase in the projected growth in population between 2015 and 2050. The small increase in projected population is not expected to result in an increased demand for housing throughout the county. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered less than cumulatively considerable.

Public Services

Public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less-than-significant levels.

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Transportation

The Department of Public Works has derived trip generation rates for cannabis cultivation from traffic reports and through the trip generation rates published by the Institute of Traffic Engineers. Table 18 provides an estimate of total ADT and vehicle miles traveled associated with buildout of the 115 approved and active cannabis cultivation projects.

Table 18 – Cumulative Average Daily Trips From Cannabis Cultivation

Use	Unit	ADT	Cannabis Cultivation	Total ADT	PM Peak Hour Trips	Vehicle Miles Travelled
Cultivation, Indoor (includes greenhouses, plant processing, drying, curing, etc.)	1,000SF*	0.27	2,530,000 sq.ft.	690	10.3	19,320
Cultivation, Outdoor (includes hoop house)	Acres*	2.00	345 acres	683	68.3	19,126
Seasonal Employees**	Employee	2.00	460 employees	460	460	12,880
Total:				1,833	538.6	51,326

Notes:

* Units based on gross square feet, acres, and employees.

** Seasonal Trips are adjusted based on the annual frequency.

The most recent estimate of total vehicle miles travelled (VMT) for the County is from 2013 at which time total VMT per day was estimated to be 7,862,000. Assuming a 1% annual growth in VMT during the intervening six years, the current VMT is estimated to be about 8,333,720. Accordingly, the 51,326 VMT associated with cannabis cultivation will result in an increase about 0.61 percent in the total county VMT. The small increase in VMT is not expected to result in a reduction of the level of service on county streets and intersections. Moreover, each project will be required to mitigate the project-specific impacts to the transportation network. Such mitigation may include, but is not limited to, the installation of roadway and intersection improvements necessary to serve the project and the payment of road improvement fees. Therefore, when considered with the potential impacts of other reasonably foreseeable cannabis cultivation projects in the unincorporated county, the contribution of the subject project to roadway impacts is considered less than cumulatively considerable.

- (c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each of the preceding topical sections of this initial study.

Conclusion

Project impacts would be less than significant and less than cumulatively considerable with mitigation.

Sources

See Exhibit A.

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Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Services	In File**
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	In File**
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input checked="" type="checkbox"/>	County Sheriff's Department	In File**
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	None
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	In File**
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other Assessor	In File**
<input checked="" type="checkbox"/>	Other Building Division	In File**

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Design Plan
<input checked="" type="checkbox"/> County Documents	<input type="checkbox"/> Specific Plan
<input type="checkbox"/> Coastal Plan Policies	<input type="checkbox"/> Annual Resource Summary Report
<input type="checkbox"/> Framework for Planning (Coastal/Inland)	<input type="checkbox"/> Circulation Study
<input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:	<input checked="" type="checkbox"/> Other Documents
<input checked="" type="checkbox"/> Agriculture Element	<input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook
<input checked="" type="checkbox"/> Conservation & Open Space Element	<input type="checkbox"/> Regional Transportation Plan
<input type="checkbox"/> Economic Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Housing Element	<input type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Parks & Recreation Element/Project List	<input type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> Special Biological Importance Map
<input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)	<input checked="" type="checkbox"/> CA Natural Species Diversity Database
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Public Facilities Fee Ordinance	<input checked="" type="checkbox"/> Flood Hazard Maps
<input type="checkbox"/> Real Property Division Ordinance	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input type="checkbox"/> Affordable Housing Fund	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input type="checkbox"/> Airport Land Use Plan	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Energy Wise Plan	
<input checked="" type="checkbox"/> South County Area Plan/South County sub area	

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In addition, the following project-specific information and/or reference materials have been considered as a part of the Initial Study:

Project application materials

Wayne Cooper AG Services, LLC, well pump test performed on April 12, 2018

Abalone Coast Analytical, Inc., water quality test performed on April 12, 2018

Orosz Engineering Group, Inc., Trip Generation for 510 Rancho Road, September 4, 2018

Terra Verde Environmental Consulting, LLC, August 2018, Biological Resources Assessment for Rancho Road Cannabis Expansion Project

Terra Verde Environmental Consulting, LLC, June 3, 2019 Botanical Survey Addendum for Rancho Road Cannabis Expansion Project

Thor Conway, Heritage Discoveries Inc., Jun2 20, 2018, Phase I Archaeological Surface Survey at 510 Rancho Road, Nipomo, San Luis Obispo County

Department of Public Works, letter of October 25, 2018

CalFIRE, San Luis Obispo County Fire Department, letter of July 12, 2018

Building Department, e-mail of June 29, 2018, Michael Stoker

North Chumash Tribal Council, e-mail of June 26, 2018,

Pacific Gas and Electric, 2018, Integrated Resource Plan

California Energy Commission, 2019

CalEEMOD 2016 v.3.2

California Department of Water Resources, Bulletin 118

San Luis Obispo Council of Governments, 2014 Regional Transportation Plan

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Exhibit B - Mitigation Summary

The applicant has agreed to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Aesthetic and Visual Resources

AES-1 Nighttime lighting. Prior to issuance of construction permits, the applicant shall submit a light pollution prevention plan (LPPP) to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:

- a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
- b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;
- c. Any exterior path lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. Exterior path lighting shall be “warm-white” or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and
- d. Any exterior lighting used for security purposes shall be motion activated, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site, and shall be of the lowest-lumen necessary to address security issues.

Biological Resources

BIO-1 Site Maintenance and General Operations The following general measures shall be included on the construction plans and shall be implemented and field verified during active construction:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits.
- Signs shall be posted at the boundary of the work area adjacent to Drainage 1 and Drainage 2 indicating the presence of sensitive resources.
- Staging of equipment and materials shall occur in designated areas at least 50 feet from drainages or swales.
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur at least 50 feet from drainages or swales. Sandbags and/or absorbent pads shall be available to prevent spilled fuel from leaving the site.
- Any chemicals used shall be prevented from entering drainages or swales.

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- Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

BIO-2 Survey for Special-status Plants. During the spring season immediately prior to the start of project activities, an appropriately timed botanical survey shall be conducted by a qualified botanist during the typical blooming period for Cambria morning glory (i.e., April – June). The survey shall be conducted in all areas proposed for temporary or permanent construction activity, including temporary access roads, staging yards, and laydown areas, and shall include the following:

- As a primary goal, any sensitive plant species encountered during the survey(s) shall be flagged for avoidance, and construction activities shall avoid the marked areas to the maximum extent feasible.
- If no special-status plants are observed, no further action is required.
- If sensitive plant individuals or populations are identified on site and cannot be avoided during construction (i.e., if avoidance is deemed infeasible), a topsoil salvage plan shall be developed prior to the onset of construction and implemented during construction. The topsoil salvage plan shall, at a minimum, provide details of topsoil salvage procedures and location of proposed topsoil placement.

BIO-3 Preconstruction Survey for American Badger A qualified biologist shall conduct a pre-activity survey within 30 days prior to the start of greenhouse construction to ensure American badger are not present during the start of construction. If dens are discovered, they will be inspected to determine if they are currently occupied. If dens are determined to be inactive by the qualified biologist, they will be excavated by hand to prevent re-occupation prior to construction. If the qualified biologist determines that potential dens may be active during the non-breeding season, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage the use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three to five-day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. If badgers are found during their breeding and rearing season (May to December), dens shall be avoided by a 150-foot buffer to protect them from construction activities. If these dens cannot be avoided after the breeding season has concluded, the above procedure will be followed.

BIO-4 Surveys and Protection for Monarch Butterfly If work is scheduled to occur during the monarch butterfly overwintering period (November to February) within 50 feet of Eucalyptus sp. trees, a qualified biologist shall survey the tree grove for any roosting butterflies. If roosting butterflies are detected, a 50-foot buffer shall be placed around the grove and the following dust control measures shall be implemented to avoid and/or minimize dust emission impacts. If no roosting butterflies are found, then no further action is needed. During any clearing and earth moving operations, water trucks or sprinkler systems shall be used in sufficient quantities to significantly reduce dust from leaving the site. Increased watering frequency will be required whenever there are high wind conditions. The entire area of disturbed soil shall be wet down in such a manner as to create a crust at the end of each day's activities.

BIO-5 Preconstruction Survey for Sensitive and Nesting Birds If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the new proposed expansion area for nesting birds within one week prior to activity beginning on site. If nesting birds are located on

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site, they shall be avoided until they have successfully fledged or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work will begin until an appropriate buffer is determined in consultation with the CDFW, and/or the USFWS.

BIO-6 Avoidance and Protection of Federal and State Waters and Wetlands All proposed permanent and/or temporary features shall be located a minimum of 50 feet from the edge of the drainages. If work must occur during the rainy season, temporary stabilization Best Management Practices (BMPs) shall be implemented, as necessary, to prevent erosion and sedimentation into the drainages and swales. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standard BMPs. The BMPs shall be installed and maintained until the disturbance areas are stabilized.

Energy/Greenhouse Gas Emissions

ENG-4. Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, an Energy Conservation Plan with a package of measures that, when implemented, would reduce or offset the project's energy demand to within 20% of the demand associated with a generic commercial building of the same size. The Energy Conservation Plan shall include the following:

- a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with all proposed cannabis cultivation activities including, but not limited to, lighting, odor management, processing, manufacturing and climate control equipment. The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.
- b. A program for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:
 1. Participating in an annual energy audit.
 2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.

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3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 4. Implementing automated lighting systems.
 5. Utilizing natural light when possible.
 6. Utilizing an efficient circulation system.
 7. Ensuring that energy use is below or in-line with industry benchmarks.
 8. Implementing phase-out plans for the replacement of inefficient equipment.
 9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency in greenhouses.
- iii. Construction of a qualified renewable energy source such as wind, solar photovoltaics, biomass, etc., as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
 - iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

ENG-5. Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related greenhouse gas emissions below the 1,150 MTCO₂e Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

- a. Purchase of greenhouse gas offset credits from any of the following recognized and reputable voluntary carbon registries:
 - i. American Carbon Registry;
 - ii. Climate Action Reserve;
 - iii. Verified Carbon Standard.
 - iv. Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.
- b. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.
- c. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 Bright Line Threshold.

ENG-6. At time of quarterly monitoring inspection, the applicant shall provide to the Department of Planning and Building for review, a current energy use statement from the service provider (e.g. PG&E) that documents energy use to date for the year. The applicant shall demonstrate continued compliance with ENG-1 and ENG-2 (e.g. providing a current PG&E statement or contract showing continuous enrollment in the Solar Choice program or Regional Renewable Choice program).

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Transportation

- TR-1 **Prior to commencing permitted activities**, and in accordance with Title 13.01 of the County Code, the applicant shall pay to the Department of Public Works the South County Area 1 Road Improvement Fee based on the latest adopted area fee schedule and 1.2 peak hour trips based on the County's trip generation estimates, The estimated fee is \$6,159 (\$5,133/pht x 1.2 pht). The fee schedule is subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of payment.

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Appendix A

California Department of Food and Agriculture (CDFA), CalCannabis Cultivation Licensing Division. CDFA has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California and issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012, subd. (a)(2).) All commercial cannabis cultivation within the California requires a cultivation license from CDFA.

The project is also subject to the CDFA's regulations for cannabis cultivation pursuant to the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), including environmental protection measures related to aesthetics, cultural resources, pesticide use and handling, use of generators, energy restrictions, lighting requirements, requirements to conduct Envirostor database searches, and water supply requirements.

State law also sets forth application requirements, site requirements and general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations. These measures include (but are not limited to) the following:

Section 8102 – Annual State License Application Requirements

- (p) For all cultivator license types except Processor, evidence of enrollment in an order or waiver of waste discharge requirements with the State Water Resources Control Board or the appropriate Regional Water Quality Control Board. Acceptable documentation for evidence of enrollment can be a Notice of Applicability letter. Acceptable documentation for a Processor that enrollment is not necessary can be a Notice of Non-Applicability;
- (q) Evidence that the applicant has conducted a hazardous materials record search of the EnviroStor database for the proposed premises. If hazardous sites were encountered, the applicant shall provide documentation of protocols implemented to protect employee health and safety;
- (s) For indoor and mixed-light license types, the application shall identify all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation;
- (v) Identification of all of the following applicable water sources used for cultivation activities and the applicable supplemental information for each source pursuant to section 8107;
- (w) A copy of any final lake or streambed alteration agreement issued by the California Department of Fish and Wildlife, pursuant to sections 1602 or 1617 of the Fish and Game Code, or written verification from the California Department of Fish and Wildlife that a lake and streambed alteration agreement is not required;
- (dd) If applicable, the applicant shall provide evidence that the proposed premises is not located in whole or in part in a watershed or other geographic area that the State Water Resources Control Board or the Department of Fish and Wildlife has determined to be significantly adversely impacted by cannabis cultivation pursuant to section 8216.

Section 8106 – Cultivation Plan Requirements

- (a) The cultivation plan for each Specialty Cottage, Specialty, Small, and Medium licenses shall include all of the following:

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(3) A pest management plan.

Section 8108 -- Cannabis Waste Management Plans

Section 8216 – License Issuance in an Impacted Watershed

If the State Water Resources Control Board or the Department of Fish and Wildlife notifies the department in writing that cannabis cultivation is causing significant adverse impacts on the environment in a watershed or other geographic area pursuant to section 26069, subdivision (c)(1), of the Business and Professions Code, the department shall not issue new licenses or increase the total number of plant identifiers within that watershed or area while the moratorium is in effect.

Section 8304 – General Environmental Protection Measures

- (a) Compliance with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife;
- (b) Compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code;
- (c) All outdoor lighting used for security purposes shall be shielded and downward facing;
- (d) Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered;
- (e) Requirements for generators pursuant to section 8306 of this chapter;
- (f) Compliance with pesticide laws and regulations pursuant to section 8307 of this chapter;
- (g) Mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

Section 8305 – Renewable Energy Requirements

Beginning January 1, 2023, all indoor, tier 2 mixed-light license types of all sizes, and nurseries using indoor or tier 2 mixed-light techniques, shall ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program, division 1, part 1, chapter 2.3, article 16 (commencing with section 399.11) of the Public Utilities Code.

Section 8306 -- Generator Requirements

Section 8307 – Pesticide Use Requirements

- (a) Licensees shall comply with all pesticide laws and regulations enforced by the Department of Pesticide Regulation.

Section 8308 – Cannabis Waste Management

Bureau of Cannabis Control

The retail sale of cannabis and/or cannabis products requires a state license from the Bureau of Cannabis Control.

The project may also be subject to other permitting requirements of the State and federal governments, as described below.

Initial Study – Environmental Checklist

State Water Resources Control Board (SWRCB). The project may require issuance of a water rights permit for the diversion of surface water or proof of enrollment in, or an exemption from, either the SWRCB or Regional Water Quality Control Board program for water quality protection.

California Department of Fish and Wildlife (CDFW)

Lake or Streambed Alteration. Pursuant to Division 2, Chapter 6, §§1600-1602 of the California Fish and Game Code, CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife. CDFW defines a “stream” (including creeks and rivers) as “a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation.” CDFW’s definition of “lake” includes “natural lakes or man-made reservoirs.” CDFW jurisdiction within altered or artificial waterways is based upon the value of those waterways to fish and wildlife.

If CDFW determines that a project may adversely affect existing fish and wildlife resources, a Lake or Streambed Alteration Agreement (SAA) is required. A SAA lists the CDFW conditions of approval relative to the proposed project, and serves as an agreement between an applicant and CDFW for a term of not more than 5 years for the performance of activities subject to this section.

California Endangered Species Act (CESA). The CESA ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened. The state also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, CDFW is empowered to review projects for their potential to impact special-status species and their habitats. Under the CESA, CDFW reserves the right to request the replacement of lost habitat that is considered important to the continued existence of CESA protected species.

Federal Endangered Species Act (FESA). FESA provides legislation to protect federally listed plant and animal species. Impacts to listed species resulting from the implementation of a project would require the responsible agency or individual to formally consult with the US Fish and Wildlife Service (USFWS) to determine the extent of impact to a particular species. If the USFWS determines that impacts to a federally listed species would likely occur, alternatives and measures to avoid or reduce impacts must be identified.